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8	UNITED STATES DISTRICT COURT
9	EASTERN DISTRICT OF CALIFORNIA
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11	JOHN F. REDOS, JR., No. 2:08-cv-01036-MCE-KJM
12	Plaintiff,
13	v. <u>Order</u>
14 15	UNION PACIFIC RAILROAD COMPANY,
16	Defendants.
17	00000
18	Presently before the Court is Plaintiff's Motion to
19	Consolidate for Discovery Purposes this action with Nickles v.
20	Union Pacific Railroad Company, 2:08-cv-01155-MCE-KJM, and Gomez
21	v. Union Pacific Railroad Company, 2:09-cv-00225-MCE-KJM. The
22	Court previously ordered these cases related as they arise out of
23	the same factual predicate, specifically a derailment of rail
24	grinding track maintenance equipment in Placer County,
25	California. Defendant filed a Statement of Non-Opposition to the
26	consolidation of the Redos and Nickles actions, but there is no
27	indication in the record that Plaintiff Gomez was either notified
28	of the instant Motion or consented to consolidation.

Accordingly, Plaintiff's Motion to Consolidate (Docket No. 37) is granted in part and denied in part. The Motion is GRANTED as to <u>Redos v. Union Pacific Railroad Company</u>, 2:08-cv-1036-MCE-KJM, and <u>Nickles v. Union Pacific Railroad Company</u>, 2:08-cv-01155-MCE-KJM, and DENIED without prejudice as to consolidation with <u>Gomez v. Union Pacific Railroad Company</u>, 2:09-cv-00225-MCE-KJM.

8 In the event Plaintiff Gomez is served with the instant 9 Motion within twenty (20) days from the date this Order is 10 electronically filed and Plaintiff Gomez thereafter files a 11 Statement of Non-Opposition within ten (10) days from the date 12 this Order is electronically filed, the Court will reconsider its 13 denial as to Plaintiff Gomez.

IT IS SO ORDERED.

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Dated: April 10, 2009

MORRISON C. ENGLAND, (R.) UNITED STATES DISTRICT JUDGE

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