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7 UNITED STATES DISTRICT COURT  
8 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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10 LEAGUE TO SAVE LAKE TAHOE  
11 and SIERRA CLUB,

12 Plaintiffs,

NO. CIV. S-08-2828 LKK/GGH

13 v.

14 TAHOE REGIONAL PLANNING  
15 AGENCY,

16 Defendant.

17 SHOREZONE PROPERTY OWNERS  
18 ASSOCIATION, INC., a non-  
19 profit Nevada corporation,  
20 aka TAHOE LAKEFRONT OWNERS'  
21 ASSOCIATION,

22 Plaintiff,

NO. CIV. S-08-3081 LKK/GGH

23 v.

24 TAHOE REGIONAL PLANNING  
25 AGENCY,

26 Defendant.

O R D E R

27 Pending before the court is a request by the Tahoe Regional  
28 Planning Agency ("TRPA") to consolidate two cases pending against  
29 it: League to Save Lake Tahoe v. TRPA, (No. 2:08-cv-2828 LKK GGH)

1 and Shorezone Property Owners Assoc. v. TRPA (No. 2:08-cv-3081 LKK  
2 GGH). This request was made as part of TRPA's status report, and  
3 is not opposed by plaintiffs in either case. Both cases concern  
4 TRPA's regulation of activities in the Lake Tahoe Basin, and in  
5 particular, the shorezone ordinances adopted by TPRA on October 22,  
6 2008. The Court has already related the two cases by order of  
7 January 7, 2009.

8 Federal Rule of Civil Procedure 42(a) provides that:

9 When actions involving a common question of law or fact  
10 are pending before the court, it may order a joint  
11 hearing or trial of any or all the matters in issue in  
12 the actions; it may order all the actions consolidated;  
and it may make such orders concerning proceedings there  
in as may intend to avoid unnecessary costs or delay.

13 F.R.C.P. 42 (a). The district court has broad discretion under  
14 this rule to consolidate cases pending in the same district.  
15 Investors Research Co. v. U.S. Dist. Court for Cent. Dist. of  
16 California, 877 F.2d 777, 777 (9th Cir. 1989).

17 Given that all involved parties request the consolidation and  
18 that the cases involve similar, or in some cases inverse,  
19 allegations and facts, the court hereby grants the request for  
20 consolidation.

21 In addition, at the status conference held on April 6, 2009,  
22 the parties in the two consolidated actions represented that all  
23 pending claims are to be resolved solely on the administrative  
24 record. TRPA expects to produce this record no later than May 20,  
25 2009, and the parties represent that they will need no more than  
26 three weeks to determine whether they will seek supplementation of


1 this record.

2 Accordingly, the court ORDERS as follows:

- 3 1. League to Save Lake Tahoe v. TRPA, (No. 2:08-cv-2828 LKK  
4 GGH) and Shorezone Property Owners Assoc. v. TRPA (No.  
5 2:08-cv-3081 LKK GGH) are hereby CONSOLIDATED.
- 6 2. Case No. 2:08-cv-2828 LKK GGH is designated as the  
7 "master file;"
- 8 3. The Clerk is directed to copy the operative complaint  
9 and the answer to the complaint from No. 2:08-cv-3081  
10 LKK GGH, and to place those copies in the "master file;"
- 11 4. The Clerk is directed to administratively close case No.  
12 2:08-cv-3081 LKK GGH;
- 13 5. The parties are directed to file all future pleadings  
14 only in case no. 2:08-cv-2828 LKK GGH;
- 15 6. TRPA SHALL produce the administrative record no later  
16 than May 20, 2009.
- 17 7. Motions regarding the completeness of the administrative  
18 record and any supplementation thereof SHALL be filed no  
19 later than June 10, 2009.
- 20 8. A further status conference to set a consolidated  
21 schedule is SET for June 22, 2009 at 1:30 PM.

22 IT IS SO ORDERED.

23 DATED: April 7, 2009.

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26 LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT