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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	
	)	2:09-cv-02877-GEB-EFB
Plaintiff,	)	
	)	
v.	)	<u>ORDER RELATING, CONSOLIDATING</u>
	)	<u>AND SCHEDULING ACTIONS</u>
PACIFIC GAS AND ELECTRIC	)	
COMPANY,	)	
	)	
Defendant.	)	
_____	)	
	)	
UNITED STATES OF AMERICA,	)	2:10-cv-01875-WBS-DAD
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
WESTERN ENVIRONMENTAL	)	
CONSULTANTS, INC.,	)	
	)	
Defendant.	)	
_____	)	

Plaintiff filed a "Notice of Related Cases" under Local Rule 123 on July 19, 2010, stating, *inter alia*:

The United States is the plaintiff in both actions. Pacific Gas and Electric Company ("PG&E") is the defendant in [the earlier filed] action, and Western Environmental Consultants, Inc. ("WECI") is the defendant in the [later filed] action. WECI was a contractor for PG&E in the events that are the subject of both actions. Both actions are based on the same or similar claims for damages arising out of alleged negligence on the part of PG&E and WECI in causing the resulting forest fire known as the Sims Fire.

. . . .

1 Both actions involve the Sims Fire which  
2 ignited on or about July 27, 2004 on National  
3 Forest System lands in the Six Rivers National  
4 Forest in Trinity County. The actions, taken  
5 together, allege that PG&E and its contractor WECI  
6 negligently failed to identify and remove a "hazard  
7 tree" which broke and fell on an energized PG&E  
8 power line thereby causing the Sims Fire.

9 . . . .

10 Both actions involve the same questions of  
11 fact about how the Sims Fire started and how much  
12 are the resulting damages. Both actions involve the  
13 same questions of law including the vicarious  
14 liability of PG&E for acts and omissions of its  
15 contractor.

16 (ECF No. 18, 2:2-18.)

17 Examination of the above-entitled actions reveals they are  
18 related within the meaning of Local Rule 123. Therefore, action 2:10-  
19 cv-01875-WBS-DAD is reassigned to the judges assigned the earlier filed  
20 action, and any dates currently set in the reassigned case are VACATED.  
21 The Clerk shall make an appropriate adjustment in the assignment of  
22 civil cases to compensate for this reassignment.

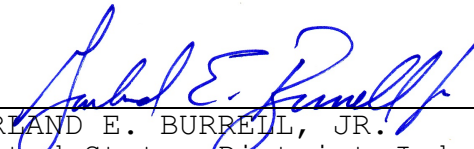
23 Further, on September 10, 2010, Plaintiff filed a stipulation  
24 in which the parties seek an order consolidating both actions, and  
25 request that the later filed action be scheduled as the earlier filed  
26 action was scheduled; however, certain scheduling modifications are  
27 sought. (ECF No. 19.) The consolidation request is granted; the above  
28 two actions are **CONSOLIDATED** for all purposes. Case 2:10-cv-01875 shall  
be administratively CLOSED, and Case 2:09-cv-02877-GEB-EFB is hereby  
designated the "MASTER FILE." Henceforth, all documents filed in the  
consolidated action shall utilize the caption in the earlier filed  
action, but Western Environmental Consultants, Inc. shall be added as a  
defendant in the caption.

1           Lastly, the Status (Pretrial Scheduling) Order filed on  
2 February 10, 2010 in 2:09-cv-02877-GEB-EFB governs the consolidated  
3 action, but that Order is modified as follows:

- 4           1. Each party shall comply with Federal Rule of Civil  
5           Procedure 26(a)(2)'s initial expert witness disclosure  
6           and report requirements on or before April 18, 2011, and  
7           with the rebuttal expert disclosures authorized under the  
8           Rule on or before May 16, 2011;
- 9           2. all discovery shall be completed by July 18, 2011;
- 10          3. the last hearing date for motions is September 12, 2011,  
11          commencing at 9:00 a.m.;
- 12          4. the final pretrial conference shall commence at 1:30 p.m.  
13          on November 21, 2011,;
- 14          5. a JOINT pretrial statement shall be filed no later than  
15          seven (7) calendar days prior to the final pretrial  
16          conference; and
- 17          6. trial shall commence at 9:00 a.m. on February 21, 2012.

18           IT IS SO ORDERED.

19 Dated: September 28, 2010

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23 GARLAND E. BURRELL, JR.  
24 United States District Judge  
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