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

DANIEL THOMAS HARVEY,

Plaintiff,

No. Civ S-10-1653-KJM-EFB PS

vs.

CITY OF SOUTH LAKE TAHOE;
EL DORADO COUNTY; ANDREW
EISSINGER; CHARLES DUKE,

Defendants.

_____ /
DANIEL THOMAS HARVEY,

Plaintiff,

No. Civ S-12-0526-JAM-JFM PS

vs.

CITY OF SOUTH LAKE TAHOE;
DOUGLAS COUNTY; EL DORADO
COUNTY; ROBERT K. PRISCARO;
JAKE HERMINGHAUS; SHANNON
LANEY; ANDREW EISSINGER,

Defendants.

RELATED CASE ORDER

Examination of the above-entitled civil actions reveals that these actions are related within the meaning of Local Rule 123(a). The actions involve many of the same defendants and are based on the same or similar claims, involve many of the same events, and involve similar

1 questions of fact and law, such that their assignment to the same Judge and Magistrate Judge
2 would effect a savings of judicial effort. Accordingly, the matters are deemed related under
3 Local Rule 123(a) and will be reassigned to the Judge and Magistrate Judge to whom the first
4 filed action was assigned. *See* E.D. Cal. L.R. 123(c) (“If the Judge to whom the action with the
5 lower or lowest number has been assigned determines that assignment of the actions to a single
6 Judge is likely to effect a savings of judicial effort or other economies, that Judge is authorized
7 to enter an order reassigning all higher numbered related actions to himself or herself.”). The
8 parties should be aware that relating the cases under Local Rule 123 merely has the result that
9 both actions are assigned to the same Judge and Magistrate Judge; no consolidation of the
10 actions is effected.

11 Accordingly, IT IS HEREBY ORDERED that:

12 1. The action denominated No. 2:12-cv-526-JAM-JFM, *Harvey v. City of South Lake*
13 *Tahoe, et al.*, is reassigned from Judge John A. Mendez to the undersigned, and from Magistrate
14 Judge John Moulds to Magistrate Judge Edmund F. Brennan. Henceforth, the caption on
15 documents filed in the reassigned case shall be shown as No. 2:12-cv-526-KJM-EFB.

16 2. All hearing dates before the previously assigned Judge and/or Magistrate Judge,
17 including the August 16, 2012 status (pretrial scheduling) conference (ECF 3) and the June 28,
18 2012 hearing on Defendant El Dorado County and Robert Priscaro’s motion to dismiss (ECF 14)
19 are vacated. Defendants El Dorado County and Robert Priscaro shall re-notice their motion for
20 hearing before Magistrate Judge Edmund F. Brennan in accordance with Local Rules 230(b) and
21 302(c)(21).

22 3. The two motions to dismiss that were previously submitted without oral argument
23 (ECF 4 and 8) will remain submitted without oral argument unless the moving defendants elect
24 to re-notice them for hearing before Magistrate Judge Edmund F. Brennan. The motions will be
25 decided by the newly assigned Judge and Magistrate Judge.

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4. The Clerk of the Court shall make appropriate adjustment in the assignment of civil cases to compensate for this reassignment.

DATED: May 3, 2012.


UNITED STATES DISTRICT JUDGE