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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ELLISON FRAMING, INC.,
Plaintiff,
v.
ZURICH AMERICAN INSURANCE
COMPANY,
Defendant.

No. CIV. S-11-0122 LKK/DAD

ORDER

On August 23, 2013, plaintiff Ellison Framing, Inc. filed apparently-identical complaints against defendant Zurich American Insurance Company in two separate actions in the Eastern District of California. One is before this court (No. 11-cv-122-LKK-DAD, ECF No. 24); the other is before the Hon. John A. Mendez (No. 13-cv-1761-JAM-AC, ECF No. 1). Judge Mendez issued an order to show cause as to why the latter case should not be dismissed as duplicative; after reviewing plaintiff's response, he ultimately issued an order declining to so dismiss. (No. 13-cv-1761-JAM-AC, ECF Nos. 6-8.)

Now pending before this court are the following:

- 1 • Defendant's Notice of Related Cases. (ECF No. 25.)
- 2 • Defendant's Motion to Strike Plaintiff's August 23,
- 3 2013 Complaint and Enforce the April 4, 2011 Order
- 4 Staying Action and Compelling Arbitration, currently
- 5 set for hearing on October 21, 2013. (ECF No. 26.)
- 6 • Defendant's Motion to Reassign and Consolidate Cases,
- 7 currently set for hearing on November 4, 2013. (ECF
- 8 No. 27)


9 Having reviewed defendant's filings to date, it appears that
10 these motions address closely-related issues, and should
11 therefore be considered together. Accordingly, the court hereby
12 orders as follows:

13 [1] The hearing on defendant's Motion to Strike Plaintiff's
14 August 23, 2013 Complaint and Enforce the April 4, 2011
15 Order Staying Action and Compelling Arbitration is CONTINUED
16 until December 9, 2013 at 10:00 a.m. Briefing deadlines for
17 this motion are unchanged, so that plaintiff's opposition
18 will be due on October 7, 2013, and defendant's reply, if
19 any, will be due on October 14, 2013.

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21 [2] The hearing on defendant's Motion to Reassign and
22 Consolidate is also CONTINUED until December 9, 2013 at
23 10:00 a.m. Briefing deadlines for this motion are unchanged,
24 so that plaintiff's opposition will be due on October 21,
25 2013, and defendant's reply, if any, will be due on October
26 28, 2013.

27 IT IS SO ORDERED.

28 DATED: September 30, 2013.


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT

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