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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MECHANICS BANK, a California
banking corporation,

Plaintiff,

v.

VOLEN PROPERTIES 10, LLC, a
California limited liability corporation,
and DOES 1 through 25, inclusive,

Defendants.

No. 2:12-cv-02553-KJM-EFB

UNITED STATE OF AMERICA,

Plaintiff,

v.

REAL PROPERTY LOCATED AT 149
G STREET, LINCOLN, CALIFORNIA,
PLACER COUNTY, APN 008—015-
000 INCLUDING ALL
APPURTENANCES AND
IMPROVEMENTS THERETO, et al.,

Defendants.

No. 2:12-cv-00705-MCE-DAD

NON-RELATED CASE ORDER

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1 On November 13, 2012, Volen Properties 10, LLC filed a Notice of Related Case.
2 (ECF No. 67.) Through that notice, Volen Properties seeks to relate Case No. 2:12-cv-
3 02553-KJM-EFB, a receivership action (“Receivership Action”) pending before Judge
4 Mueller, and Case No. 2:12-cv-00705-MCE-DAD, a forfeiture action (“Forfeiture Action”)
5 filed by the United States pending before this Court. Mechanics Bank filed an objection
6 to the Notice of Related Cases. (ECF No. 73.)

7 The Receivership Action, initiated by Mechanics Bank, seeks the placement of a
8 receiver on the real property located at 8928 Volunteer Lane, Sacramento, APN 078-
9 0450-026-0000. The Forfeiture Action, initiated by the Government, includes as a
10 defendant property the real property located at 8928 Volunteer Lane, Sacramento, APN
11 078-0450-026-0000.

12 Local Rule 123(a) defines “Related Cases” as follows:

13 An action is related to another within the meaning of this Rule when
14 (1) both actions involve the same parties and are based on the same or a
15 similar claim;
16 (2) both actions involve the same property, transaction, or event;
17 (3) both actions involve similar questions of fact and the same questions of
18 law and their assignment to the same Judge or Magistrate Judge is likely to
19 effect a substantial savings of judicial effort, either because the same result
20 should follow in both actions or otherwise; or
21 (4) for any other reasons, it would entail substantial duplication of labor if
22 the actions were heard by different Judges or Magistrate Judges.

23 While the cases clearly involve the same real property, the Court finds that the
24 purposes underlying Local Rule 123(a)—namely, avoiding substantial duplication of
25 labor and conflicting decisions where the same set of facts and law apply—are not
26 present in these cases at this time, such that they compel the Court to relate the two
27 cases. That is, it is not readily apparent that the two separate cases will entail
28 substantial duplication of labor such that the cases should not be related, nor does it
appear that there are any potentially conflicting decisions that require the Court to relate
the cases.

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Accordingly, the Court DENIES the Notice of Related Cases WITHOUT
PREJUDICE to this Notice being brought again at a later date.

IT IS SO ORDERED.

Dated: November 30, 2012


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE