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

UNITED STATES OF AMERICA and SAN
JOAQUIN VALLEY UNIFIED AIR POLLUTION
CONTROL DISTRICT,

Plaintiffs,

No. 2:12-cv-1697-KJM-JFM

vs.

COTTAGE BAKERY, INC., RALCORP
FROZEN BAKERY PRODUCTS, INC.,

Defendants.

RALCORP HOLDINGS, INC., *et al.*,

Plaintiffs,

No. 2:12-cv-2128-JAM-DAD

vs.

RIVERGATE PARTNERS, L.P., *et al.*,

ORDER ON NOTICE OF
RELATED CASE

Defendants.

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1 Examination of the above-captioned actions reveals that they are not related
2 within the meaning of Local Rule 123(a). Under Local Rule 123(a), two actions are related
3 when:

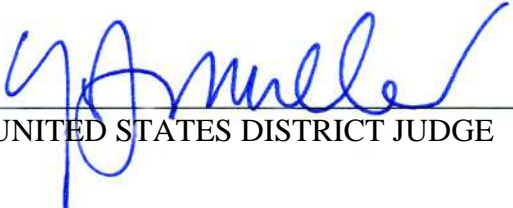
- 4 (1) [B]oth actions involve the same parties and are based on the same
or a similar claim;
5 (2) both actions involve the same property, transaction, or event;
6 (3) both actions involve similar questions of fact and the same question
of law and their assignment to the same Judge or Magistrate Judge is likely to
7 effect a substantial savings of judicial effort, either because the same result should
follow in both actions or otherwise; or
8 (4) for any other reasons, it would entail substantial duplication of labor
if the actions were heard by different Judges or Magistrate Judges.

9 Local Rule 123(a)(3).

10 Although both cases concern violations of environmental laws at a baking facility
11 in Lodi, California, *United States v. Cottage Bakery* is an environmental enforcement case and
12 *Ralcorp Holdings, Inc. v. Rivergate Partners, L.P.* is a breach of contract case involving
13 different legal issues. Thus, assigning both cases to the same judge would not result in a
14 substantial savings of judicial effort. The court declines to reassign *Ralcorp Holdings* under
15 Local Rule 123(c).

16 IT IS SO ORDERED.

17 DATED: January 16, 2013.

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19 _____
UNITED STATES DISTRICT JUDGE