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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN JAMES PARISE, JR.,
Plaintiff,
v.
UNION PACIFIC RAILROAD,
Defendant.

No. 2:14-cv-0022-JAM-KJN PS

ORDER

Plaintiff commenced this action on January 6, 2014, and paid the filing fee. On February 25, 2014, defendant Union Pacific Railroad filed a “Notice of Related Case,” requesting that another action filed by plaintiff on January 7, 2014 (Parise v. Union Pacific Railroad, 2:14-cv-36-KJM-CKD) be related to this case. (ECF No. 6.)

Pursuant to Local Rule 123, actions are related for purposes of the rule “when (1) both actions involve the same parties and are based on the same or a similar claim; (2) both actions involve the same property, transaction, or event; (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 effect a substantial savings of judicial effort, either because the same result should follow in both actions or otherwise; or (4) for any other reasons, it would entail substantial duplication of labor if the actions were heard by different Judges or Magistrate Judges.” E.D. Cal. L.R. 123(a).

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1 Here, both actions involve the same parties and, in a general sense, are both predicated on
2 alleged injuries that plaintiff sustained during his employment as a locomotive engineer with the
3 defendant railroad. Nevertheless, upon closer examination, the claims do not appear similar and
4 instead appear to involve different subject matter, at least based on plaintiff's current pleadings
5 and the limited record presently before the court. The instant action generally concerns certain
6 back injuries plaintiff allegedly suffered on the job as a result of "rough riding locomotives" and
7 defendant's purported failure to provide seat belts. (See ECF No. 1.) The later action involves
8 alleged injuries suffered as a result of plaintiff's purported exposure to asbestos during his work
9 for defendant. (See Parise v. Union Pacific Railroad, 2:14-cv-36-KJM-CKD, ECF No. 3.) As
10 such, the type and nature of the injuries involved, as well as their potential causes, appear
11 substantially different. Each claim is likely to implicate different workplace policies or industry
12 standards, and is likely to involve different questions of fact, different questions of law, and
13 different evidence. Indeed, there is no indication that the same result should necessarily follow in
14 both actions, or that assignment of the cases to different judges would entail substantial
15 duplication of labor.


16 Therefore, the court finds that relating the cases would not be appropriate under Local
17 Rule 123 at this juncture. However, that determination is without prejudice to renewal of a
18 request to relate the cases once the record has been further developed through discovery or
19 otherwise.

20 Accordingly, IT IS HEREBY ORDERED that:

- 21 1. The actions Parise v. Union Pacific Railroad, 2:14-cv-22-JAM-KJN and Parise v.
22 Union Pacific Railroad, 2:14-cv-36-KJM-CKD are deemed NOT RELATED.
- 23 2. The Clerk of Court shall file a copy of this order on the docket in both actions.

24 IT IS SO ORDERED.

25 Dated: February 26, 2014

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28 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE