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11 *Attorneys for Copart, Inc.*

12 UNITED STATES DISTRICT COURT
 13 EASTERN DISTRICT OF CALIFORNIA
 14

15 SPARTA CONSULTING, INC.,
 16 Plaintiff,
 17 v.
 18 COPART, INC.,
 19 Defendant.
 20
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CASE NO. 2:14-cv-00046-KJM-CKD
**STIPULATION AND ORDER TO
 CONSOLIDATE RELATED CASES**

22 Sparta Consulting, Inc. (“Sparta”) and Copart, Inc. (“Copart”), by and through their
 23 attorneys of record, hereby stipulate and agree as follows:

24 WHEREAS, Sparta filed the instant action on January 8, 2014;

25 WHEREAS, before Sparta filed the instant action, on November 1, 2013, Copart
 26 commenced an action against Sparta concerning the same set of facts as the instant action in the
 27 44th Judicial District Court of Dallas County, Texas, bearing Cause No. DC-13-13154;

28

1 WHEREAS, on January 2, 2014, Sparta removed the Texas action to the United States
2 District Court for the Northern District of Texas, bearing Civil Action No. 3:14-cv-00013-L (the
3 “Texas Action”);

4 WHEREAS, on January 9, 2014, Sparta filed a motion to dismiss and to transfer the
5 Texas Action to the United States District Court for the Eastern District of California (“Sparta’s
6 Motion”);

7 WHEREAS, on August 8, 2014, the Honorable Magistrate Judge Renee H. Toliver of the
8 Northern District of Texas granted that part of Sparta’s Motion seeking to transfer the Texas
9 Action and ordered the action transferred;

10 WHEREAS, on August 11, 2014, the Northern District of Texas transferred the Texas
11 Action to this District;

12 WHEREAS, upon transfer to this District, the Texas Action was assigned to the
13 Honorable Judge John A. Mendez, under Case No. 2:14-cv-01884;

14 WHEREAS, on August 18, 2014, the parties filed a Notice of Related Cases and Joint
15 Administrative Motion pursuant to Local Rule 123 (Dkt. No. 25), requesting that the Honorable
16 Judge Kimberly J. Mueller reassign Case No. 2:14-cv-01884, currently proceeding before the
17 Honorable Judge Mendez, to herself;

18 WHEREAS, the parties noted in the Notice of Related Cases and Joint Administrative
19 Motion that the two related cases—Case No. 2:14-cv-01884 and Case No. 2:14-cv-00046—
20 involve the same parties, are based on the same transactions and occurrences and include
21 substantial overlap of both questions of fact and law, such that assignment of these cases to the
22 same judge would further the interests of judicial economy and avoid the possibility of
23 conflicting rulings;

24 WHEREAS, there has been no ruling yet on the Notice of Related Cases and Joint
25 Administrative Motion for Judge Mueller to Reassign Related Case to Herself (Dkt. No. 25);

26 WHEREAS, the parties have stipulated in the related cases that each shall have until
27 September 26, 2014 to respond to the operative complaints therein, or otherwise file any
28 appropriate motion allowed under the federal rules (*see* Dkt. No. 28 and Stipulation Regarding

1 Extension of Time to Respond to Complaint, *Copart, Inc. v. Sparta Consulting, Inc.*, No. 2:14-
2 cv-01884-JAM-CKD (E.D. Cal. Aug. 28, 2014), Dkt. No. 33);

3 WHEREAS, the parties have since conferred and agree that, in the interest of efficiency
4 and judicial economy, the related cases should be consolidated for all purposes and the parties
5 realigned in the cases so that one party serves as the plaintiff/counter-defendant and one party
6 serves as the defendant/counter-plaintiff, with one set of operative pleadings in the consolidated
7 action;

8 WHEREAS, a Status Conference in this action is set for October 2, 2014, with a Joint
9 Status Report due to be filed by September 25, 2014;

10 IT IS HEREBY STIPULATED by and between Sparta and Copart, through their
11 respective counsel of record, that Case No. 2:14-cv-00046 and Case No. 2:14-cv-01884 be
12 consolidated and assigned to the Honorable Judge Kimberly J. Mueller for all purposes,
13 including trial. In the Joint Status Report due on September 25, 2014, the parties will provide
14 their respective position statements regarding which party shall be deemed the plaintiff/counter-
15 defendant and which party shall be deemed the defendant/counter-plaintiff in the consolidated
16 action. It is further stipulated that the parties' September 26, 2014 deadline to respond to the
17 operative complaints in the related cases shall be vacated until further order of the Court.

18 IT IS SO STIPULATED.

19 Dated: September 15, 2014

Respectfully submitted,

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Ophelia Camiña

24 By: /s/ Paul T. Llewellyn
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26 *Attorneys for Sparta Consulting, Inc.*

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ORDER

Having reviewed the parties' stipulation, **IT IS ORDERED THAT:**

1. Pursuant to Local Rule 123(c), *Copart, Inc. v. Sparta Consulting, Inc.*, No. 2:14-cv-01884, currently assigned to Judge John A. Mendez, shall be reassigned to Judge Kimberly J. Mueller;
2. Pursuant to Federal Rules of Civil Procedure 42(a), *Copart, Inc. v. Sparta Consulting, Inc.*, No. 2:14-cv-01884 is hereby consolidated with *Sparta Consulting, Inc. v. Copart, Inc.*, No. 2:14-cv-00046 for all purposes, including trial;
3. The parties' September 26, 2014 deadline to respond to the complaints filed in the consolidated actions is vacated until further order of the Court;
4. On September 25, 2014, the parties shall submit a Joint Status Report which includes the parties' respective position statements regarding realignment of the parties in the consolidated action. Each party's position statement shall not exceed five (5) pages; and
5. The Clerk of the Court shall make appropriate adjustment in the assignment of civil cases to compensate for this reassignment.

Dated: September 22, 2014.


UNITED STATES DISTRICT JUDGE