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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA SPORTFISHING  
PROTECTION ALLIANCE, a non-profit  
corporation,

Plaintiff,

v.

AGRICULTURAL MANAGEMENT AND  
PRODUCTION COMPANY, INC., and  
ROBERT SMYTHE,

Defendants.

No. 2:14-CV-02328-KJM-AC

ORDER

On January 16, 2015, defendants Agricultural Management and Production Company, Inc. (AMPC) and Robert Smythe filed a notice of related cases. ECF No. 11. By their estimation, this case (No. 14-2328) is related to *California Sportfishing Protection Alliance v. Agricultural Management and Production Company Inc.*, No. 97-1027 (E.D. Cal. filed June 3, 1997). California Sportfishing Protection Alliance (CSPA) disagrees. Local Rule 123(a) defines related cases. An action is related to another 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;

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(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).

The court declines to issue an order relating these cases. Although both No. 14-2328 and No. 97-1027 include the CSPA and AMPC as parties, and both surround alleged unlawful discharges of pollutants from the Afterthought Mine, the defendants have not demonstrated how relation of these cases would affect any savings of time or avoid any duplication of labor. Although the defendants' position is not entirely clear, they appear to contend a settlement agreement and dismissal in No. 97-1027 bars the plaintiff from asserting its claims in No. 14-2328 as a matter of claim or issue preclusion. *See* Not. Rel. Cases 2:1-5, ECF No. 11 (“[Mr. Smythe] paid [a] considerable sum (\$30,000.) to obtain that settlement agreement and release of all claims [in No. 97-1027]. The case was dismissed with prejudice. The second case was filed 17 years later, and only a few days after Judge Karlton who was assigned to the 1997 case retired.”). Relating the cases is not warranted if in fact preclusion is defendants' defense. Numbers 14-2328 and 97-1027 are not related as defined in the Local Rules.

IT IS SO ORDERED.

DATED: January 29, 2015.

  
UNITED STATES DISTRICT JUDGE