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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID SEARS,

Plaintiff,

v.

BANK OF AMERICA, M and T BANK,
BRIAN C. MOYNIHAN, GAR G.
LYNCH, DAVID C. DARNELL,
THOMAS K. MONTAG,

Defendants.

No. 2:13-CV-1664-KJM-AC

ORDER

DAVID SEARS,

Plaintiff,

v.

BANK OF AMERICA, et al.,

Defendants.

No. 2:15-CV-0753 WBS AC

On April 7, 2015, defendants filed a notice of related cases in this action, ECF No. 42, and in *David Sears v. Bank of America, et al.*, No. 2:15-CV-753-WBS-AC, ECF No. 4. The court has determined these actions are related cases within the meaning of Local Rule 123(a).

1 They involve the same parties, the same or similar claims, similar allegations, and similar
2 questions of law and fact. In both actions David Sears alleges the defendants have not complied
3 with federal and California as they apply to his request for a loan modification.

4 The parties should be aware that relating cases under Rule 123 causes the actions
5 to be assigned to the same judge—it does not consolidate the actions. Under Rule 123, related
6 cases are generally assigned to the judge and magistrate judge to whom the first filed action was
7 assigned.

8 As a result, it is hereby ORDERED that 2:15-CV-00753-WBS-AC is reassigned to
9 the undersigned. The caption on documents filed in the reassigned case shall be shown as: 2:15-
10 CV-00753-KJM-AC.

11 It is further ORDERED that the Clerk of the Court make appropriate adjustment in
12 the assignment of civil cases to compensate for this reassignment.

13 IT IS SO ORDERED.

14 DATED: April 15, 2015.

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17 UNITED STATES DISTRICT JUDGE
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