

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

<p>CENTER FOR ENVIRONMENTAL SCIENCE, ACCURACY & RELIABILITY,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>MARK W. COWIN, in his Official Capacity as Director of CALIFORNIA DEPARTMENT OF WATER RESOURCES, et al.,</p> <p style="text-align: center;">Defendants.</p>
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OLD CASE NO: 2:15-CV-02424 WBS KJN

NEW CASE NO: 1:15-CV-01852 LJO BAM

**ORDER RELATING AND REASSIGNING
CASE**

Review of the above-captioned action reveals that it is related under this Court’s Local Rule 123 to numerous actions before the undersigned, including *San Luis & Delta-Mendota Water Authority, et al. v. Jewell, et al.*, Lead Case No. 1:09-cv-00407 LJO BAM (“*San Luis v. Jewell*”). The actions involve the same or similar parties, properties, claims, events and/or questions of fact or law. In addition, the currently assigned district and magistrate judges have not engaged in this matter in any substantial way.

Moreover, a substantially similar, if not essentially identical, action, *Center for Environmental Science, Accuracy & Reliability v. Cowin, et al.*, 1:15-cv-00884 LJO BAM (“*CESAR v. Cowin I*”), was previously heard and dismissed by the undersigned for failure to comply with applicable notice requirements. Pursuant to Local Rule 123(d):

An action may not be dismissed and thereafter refiled for the purpose of obtaining a different Judge or Magistrate Judge. If an action is dismissed and it, or one essentially the same, is refiled, it shall be assigned to the same Judge and Magistrate Judge. It is the duty of all counsel appearing therein to bring the facts of the refiled to the attention of the Clerk pursuant to this Rule.

Accordingly, assignment of the actions to the district judge and magistrate judge assigned to *San Luis*

1 *v. Jewell* and *CESAR v. Cowin I* will promote convenience, efficiency and economy for the Court and
2 parties. An order relating cases under this Court's Local Rule 123 merely assigns them to the same
3 district judge and magistrate judge, and no consolidation of cases is effected. On the basis of good
4 cause, this Court ORDERS that the above-captioned action is reassigned to U.S. District Judge
5 Lawrence J. O'Neill and U.S. Magistrate Judge Barbara A. McAuliffe. All documents shall bear the
6 new case number:
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8 **1:15-CV-01852 LJO BAM**

9 **IT IS SO ORDERED**
10 **Dated: December 10, 2015**

11 **/s/ Lawrence J. O'Neill**
12 **United States District Judge**