

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LORIE GARLICK,

Plaintiff,

v.

COMPASS VISION INC,

Defendant.

No. C-08-04118 EDL

**ORDER FOLLOWING CASE
MANAGEMENT CONFERENCE**

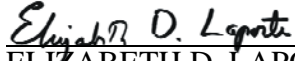
In the parties' Joint Case Management Conference Statement, the parties informed the Court that they believed this case was related to two cases currently pending before Judge Bernard Zimmerman. See Wilson v. Compass Vision, Inc., et al., Case No. CV 07-3431 BZ (N.D. Cal.); Cleveland, et al. v. Compass Vision, Inc., et al., Case No. CV 07-5642 BZ (N.D. Cal.). At the December 2, 2008 Case Management Conference, Plaintiff's counsel stated that he sought to relate this case to Judge Zimmerman's cases by filing a Notice of Pendency of Other Action or Proceeding on August 28, 2008 pursuant to Civil Local Rule 3-13. All parties agreed that this case should be related to Judge Zimmerman's cases.

For the parties' future reference, the related case issue was not promptly resolved because Plaintiff's Notice of Pendency did not comply with Civil Local Rule 3-12, which governs the relation of cases in this district and requires that a party seeking to relate cases within this district must "promptly file in the earliest-filed case an Administrative Motion to Consider Whether Cases Should Be Related, pursuant to Civil L.R. 7-11" (Civil L.R. 3-12(b)), so that the Judge with the earliest-filed case can determine whether to relate the cases. After this Court, with the parties'

1 permission, brought this issue to Judge Zimmerman's attention on December 2, 2008, he issued an
2 order relating the cases that same day.

3 **IT IS SO ORDERED.**

4 Dated: December 3, 2008

5 
6 ELIZABETH D. LAPORTE
7 United States Magistrate Judge
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28