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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THE BOARD OF TRUSTEES, in their
capacities as Trustees of the CEMENT
MASONS HEALTH AND WELFARE TRUST
FUND FOR NORTHERN CALIFORNIA,
CEMENT MASONS PENSION TRUST FUND
FOR NORTHERN CALIFORNIA, CEMENT
MASONS VACATION/HOLIDAY TRUST
FUND FOR NORTHERN CALIFORNIA,
CEMENT MASONS APPRENTICESHIP AND
TRAINING TRUST FUND FOR NORTHERN
CALIFORNIA,

Plaintiffs,

v.

PAUL T. BECK CONTRACTORS, INC., A
California Corporation,

Defendant.

) No. C 10-01492 EDL
) No. C 10-01493 EDL

**ORDER ON STIPULATED REQUEST
TO MODIFY THE PRETRIAL ORDER**

THE BOARD OF TRUSTEES, in their
capacities as Trustees of the LABORERS
HEALTH AND WELFARE TRUST FUND
FOR NORTHERN CALIFORNIA;
LABORERS VACATION-HOLIDAY TRUST
FUND FOR NORTHERN CALIFORNIA;
LABORERS PENSION TRUST FUND FOR
NORTHERN CALIFORNIA; and LABORERS
TRAINING AND RETRAINING TRUST
FUND FOR NORTHERN CALIFORNIA,

Plaintiffs,

v.

PAUL T. BECK CONTRACTORS, INC, a
California Corporation.

Defendant.

) No. C 10-01493 EDL

1 Pursuant to Local Rule 7-12, Plaintiffs, the Board of Trustees, in their capacities as
2 Trustees of the Cement Masons Health and Welfare Trust Fund for Northern California, Cement
3 Masons Pension Trust Fund for Northern California, Cement Masons Vacation-Holiday Trust Fund
4 for Northern California, and Cement Masons Apprenticeship and Training Trust Fund for Northern
5 California (hereinafter "Plaintiffs") and Defendant Paul T. Beck Contractors, Inc. (hereinafter
6 "Defendant"), by and through the undersigned counsel, have filed a stipulated request that the
7 Court consolidate four actions pending before multiple judges of this district (10-1492-EDL, 10-
8 1493-EDL, 10-5539-SI, and 10-5540-TEH), and modify the pretrial orders governing the
9 consolidated cases. The Court Orders as follows:

10 1. Request for Consolidation: Federal Rule of Civil Procedure 42(a) provides that: "If
11 actions before the court involve a common question of law or fact, the court may: (1) join for
12 hearing or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any
13 other orders to avoid unnecessary cost or delay." In exercising its broad discretion to order
14 consolidation, a district court "weighs the saving of time and effort consolidation would produce
15 against any inconvenience, delay, or expense that it would cause." Huene v. U.S., 743 F.2d 703,
16 704 (9th Cir.1984). While it appears that the consolidation of the four cases may well be
17 appropriate later, the Court cannot consolidate unrelated cases not currently before it. No party has
18 requested that cases 10-5539-SI and 10-5540-TEH, assigned to other judges of this district, be
19 related to the cases currently before this Court. If the parties want the Court to consider
20 consolidation, they must first file a motion or stipulated request to relate cases pursuant to Local
21 Rule 3-12 and then request consolidation.

22 The Court notes that there is a pending motion to amend the complaints in cases 10-1492
23 and 10-1493, and amendment of these complaints could potentially impact whether relation and/or
24 consolidation of the cases is appropriate. The Court has been informed that the parties have not
25 stipulated to amendment, and the parties should address how amendment of the complaints impacts
26 their motion or request to relate the cases. The Court's decision on relation and/or consolidation
27 may be postponed until after its ruling on the motion to amend.

