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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NICOLE WILSON, et al.,

Plaintiffs,

v.

OE SERVICES, LLC, et al.,

Defendants.

No. C 13-1653 PJH

**ORDER RE REQUEST FOR RELATED
CASE DETERMINATION**

The court is in receipt of a request by the Hon. Richard Seeborg for a determination whether the above-entitled action is related to Allen v. OE Services, LLC, Case No. C-13-2460, within the meaning of Civil Local Rule 3-12. The court has reviewed the complaints and other papers filed in both cases, and has concluded that they are not related.

First, the cases involve the employment relationship of two different individuals – Nicole Wilson and Stephanie Allen – with defendant OE Services LLC. Just as this court would not necessarily find every employment case filed against a particular employer to be related to every other employment case filed against that employer, even if similar issues were raised regarding a standardized employment contract, the fact that both Wilson and Allen are seeking a judicial declaration as to the enforceability of a non-compete clause does not warrant a finding that their cases are related and should be assigned to the same judge, because the facts underlying their employment and departure from employment will be different.

More importantly, this court remanded the Wilson case on June 20, 2013, based on the removing defendants' inability to establish that the citizenship of all plaintiffs was different than that of all defendants. The case is now pending in San Francisco Superior

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Court. And, having found that there was no subject matter jurisdiction, this court did not consider any of the issues raised in defendants' motion to dismiss.

As the court understands it, the plaintiff in the Allen case is seeking remand based on the defendants' failure to establish that the required amount in controversy is met. Thus, making a decision on that motion will require a different analysis than the one this court applied in making a decision on the motion to remand in the Wilson case. Moreover, as the court did not consider the arguments on the motion to dismiss in Wilson, there will be no "duplication of effort" if another judge decides whatever issues the defendants have raised in the motion to dismiss in Allen.

IT IS SO ORDERED.

Dated: August 7, 2013



PHYLLIS J. HAMILTON
United States District Judge