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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DOUGLAS O'CONNOR, et al.,
Plaintiffs,
v.
UBER TECHNOLOGIES, INC., et al.,
Defendants.

Case No. [13-cv-03826-EMC](#)

**ORDER DENYING WITHOUT
PREJUDICE PLAINTIFF'S
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES
SHOULD BE RELATED**

Docket No. 946

United States District Court
Northern District of California

Plaintiff S. Patrick Mendel filed an administrative motion to consider whether *Mendel v. Chao*, No. 19-cv-3244 (N.D. Cal. filed June 7, 2019), currently assigned to Judge White, should be related to *O'Connor v. Uber Technologies, Inc.*, No. 13-cv-3826 (N.D. Cal. filed Aug. 16, 2013), before this Court. Docket No. 946. However, Plaintiff has not yet served the Defendants in *Mendel* with summons and copies of the complaint in accordance with Federal Rule of Civil Procedure 4(c). Fed. R. Civ. P. 4(c)(1) ("A summons must be served with a copy of the complaint. The plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m) and must furnish the necessary copies to the person who makes service."). Nor has Plaintiff served Defendants in *Mendel* with copies of the instant motion in accordance with Local Rule 3-12(b) to allow them an opportunity to respond. N.D. Cal. Civ. L.R. 3-12(b) ("[A] copy of the motion [to relate], together with proof of service pursuant to Civil L.R. 5-5, must be served on all known parties to each apparently related action.").

Accordingly, Plaintiff's motion to relate is **DENIED without prejudice**. Plaintiff may refile the motion once the *Mendel* Defendants have been served in compliance with Rule 4(c) and Local Rule 3-12(b). If he does so, Plaintiff should ensure that the motion does not exceed 5 pages.

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See N.D. Cal. Civ. L.R. 7-11(a) (“A motion for an order concerning a miscellaneous administrative matter may not exceed 5 pages (not counting declarations and exhibits) . . .”).

This order disposes of Docket No. 946.

IT IS SO ORDERED.

Dated: June 21, 2019


EDWARD M. CHEN
United States District Judge