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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA

6 PHYLLIS W. CHENG,
7 Plaintiff,

8 v.

9 WINCO FOODS, LLC, et al.,
10 Defendants.
11

Case No. 14-cv-00483-JST

**MINUTE ORDER REGARDING
NOTICE OF PENDENCY OF OTHER
ACTION OR PROCEEDING**

Re: ECF No. 17

12 Plaintiff Cheng has filed a “Notice of Pendency of Other Action or Proceeding” pursuant
13 to Civil Local Rule 3-13. ECF No. 17. Civil Local Rule 3-13 applies when the other case is
14 pending “in any other federal or state court” (emphasis added). When, as here, the purportedly
15 related case is pending before another judge of this court, the applicable rule is Civil Local Rule 3-
16 12. It appears that Plaintiff already filed an Administrative Motion to Consider Whether Cases
17 Should be Related pursuant to Civil L.R. 3-12, and the judge assigned to the earlier-filed case has
18 already determined that the cases are not related.¹ See Clerk’s Notice, Stowers v. WinCo Foods,
19 L.L.C., No. 13-cv-02631-TEH (N.D. Cal. Feb. 20, 2014); see also ECF No. 9 in this action.
20 Therefore, Defendants need not file any opposition pursuant to Civil Local Rule 3-13(c), since
21 there is no action the undersigned could take to reassign or transfer this action.

22 **IT IS SO ORDERED.**

23 Dated: March 14, 2014

24 
25 JON S. TIGAR
26 United States District Judge

27 _____
28 ¹ Plaintiff did not, as required by Civ. L.R. 3-12(b), file any courtesy copy of the motion on the docket for this action.