

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

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

SASAN SABRDARAN, et al.,

Defendants.

Case No. [14-cv-04825-JSC](#)

ORDER RE: SEVERANCE

In this action, Plaintiff Securities and Exchange Commission alleges that Defendants Sasan Sabrdaran and Farhang Afsarpour have violated various provisions of the Securities Exchange Act. (Dkt. No. 1.) Plaintiff and Sabrdaran each filed a consent to proceed before the undersigned magistrate judge and have appeared in this case. (Dkt. Nos. 11, 12.) Sabrdaran has filed motions to dismiss and strike portions of the complaint. (Dkt. Nos. 21, 22.) Afsarpour, however, has not yet been served, filed an answer or other response to the complaint, or appeared in this action, and therefore has not yet consented to proceed before a magistrate judge. The Court cannot decide one defendant's motion to dismiss where, as here, another defendant has not yet appeared or consented to the jurisdiction of a magistrate judge. See 28 U.S.C. § 636(b). The Court can, however, proceed over Plaintiff's claims against Sabrdaran, including decision on the pending motions, if the appearing parties agree to sever Plaintiff's claims against Afsarpour.

Accordingly, if both appearing parties wish to sever Plaintiff's claims against Afsarpour from Plaintiff's claims against Sabrdaran, then they shall file by February 2, 2015 a stipulation to sever the case against Afsarpour. If both parties do not agree to severance, then by that same date they shall jointly file a letter informing the Court that it should reassign the action. In light of this

United States District Court
Northern District of California

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

order, the Case Management Conference previously set for January 29, 2015 is continued to
February 26, 2015 at 9:00 a.m.

IT IS SO ORDERED.

Dated: January 26, 2015



JACQUELINE SCOTT CORLEY
United States Magistrate Judge