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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

CENTER FOR ENVIRONMENTAL
HEALTH, et al.,

Plaintiff,

v.

GINA MCCARTHY, et al.,

Defendants.

Case No. 3:15-cv-02939-LB

**ORDER DENYING WITHOUT
PREJUDICE THE PLAINTIFFS'
ADMINISTRATIVE MOTION**

[Re: ECF. Nos. 3, 9]

On June 24, 2015, the Center for Environmental Health, Beyond Pesticides, Physicians for Social Responsibility sued the United States Environmental Protection Agency and its Administrator, Gina McCarthy. (Complaint, ECF No. 1.) The action was assigned to the undersigned. That same day, the plaintiffs filed an administrative motion asking the undersigned to consider whether the action is related to an earlier-filed action that is now closed and which was presided over by Judge Orrick. (Administrative Motion, ECF No. 3.) In that earlier-filed action, the Center for Environmental Health, Beyond Pesticides, Physicians for Social Responsibility sued Ms. McCarthy only. *See Ctr. for Env. Health v. McCarthy*, No. 3:14-cv-01013-WHO.

Northern District of California Civil Local Rule 3-12(b) states that “[w]henver a party knows or learns that an action, filed in or removed to this district is (or the party believes that the action may be) related to an action which is or was pending in this District as defined in Civil L.R. 3-12(a), the party must promptly file in the lowest-numbered case an Administrative Motion to ORDER (No. 3:15-cv-02939-LB)

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Consider Whether Cases Should be Related, pursuant to Civil L.R. 7-11.” (Emphasis added.) This means that the plaintiffs in this action should not have filed their administrative motion in this action; they should have filed it in earlier-filed action before Judge Orrick. The rule makes clear that it does not matter that the action before Judge Orrick is no longer pending. The plaintiffs still must file their motion in that action. This makes sense because it is Judge Orrick, and not the undersigned, who has to decide whether to relate this action to the earlier-filed one.

Accordingly, the court denies without prejudice the plaintiffs’ administrative motion. The court directs them to file it in the earlier-filed action before Judge Orrick.

IT IS SO ORDERED.

Dated: July 13, 2015



LAUREL BEELER
United States Magistrate Judge