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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

R. ANDRE KLEIN, et al.,
Plaintiffs,
v.
LAWRENCE J. ELLISON, et al.,
Defendants.

Case No. [20-cv-04439-JSC](#)**ORDER RE PLAINTIFFS'
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES
SHOULD BE RELATED**

Re: Dkt. Nos. 20, 24

On September 3, 2020, the Court ordered Defendants to respond to Plaintiffs' administrative motion to consider whether the instant action and Sherman v. Ellison, Case No. 4:20-cv-05255-DMR, should be related. (Dkt. No. 23.) After careful consideration of Plaintiffs' administrative motion, the Sherman Plaintiff's opposition, and Defendants' response, the Court GRANTS Plaintiffs' administrative motion and RELATES the Klein and Sherman cases.

The Sherman Plaintiff's arguments in opposition to relating the cases are unpersuasive. The Court finds that the Sherman Plaintiff's initial "books and records" demand has no bearing on whether the cases "concern substantially the same parties, property, transaction, or event[.]" N.D. Cal. Civ. L.R. 3-12(a)(1). Similarly, Sherman's contention that the Klein case is motivated by a "social justice agenda" does not meaningfully distinguish the two cases under Civil Local Rule 3-12(a)(1).

Both actions are derivative suits that concern the same parties and are based on the same factual allegations, chiefly that Director Defendants violated federal securities law and breached their fiduciary duties by falsely representing a commitment to diversity. All challenged statements in the Sherman action are challenged in the Klein action; the Sherman complaint challenges statements in Oracle's 2019 Proxy Statement, and the Klein complaint challenges statements in Oracle's 2018 and 2019 Proxy Statements. Therefore, the cases concern substantially the same

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“parties, property, transaction[s], [and] event[s]” as required by Civil Local Rule 3-12(a)(1).

Because conducting the cases between different Judges would result in an “unduly burdensome duplication of labor and expense,” see N.D. Cal. Civ. L.R. 3-12(b)(2), pursuant to Civil Local Rule 3-12 the Court RELATES the Klein and Sherman actions. The Court notes that relating the cases does not consolidate them and does not make any particular counsel lead counsel over a separate case.

IT IS SO ORDERED.

Dated: September 14, 2020



JACQUILINE SCOTT CORLEY
United States Magistrate Judge