

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

S.M., A MINOR, et al.,

No. C 07-05829 CRB

Plaintiffs,

**ORDER OF SUA SPONTE
REFERRAL AS TO WHETHER
CASES ARE RELATED**

v.

WEST CONTRA COSTA COUNTY
UNIFIED SCHOOL DISTRICT
FINANCING CORPORATION, et al.,

Defendants.

Northern District of California Local Rule 3-12(c) provides:

Whenever a Judge believes that a case pending before that Judge is related to another case, the Judge may refer the case to the Judge assigned to the earliest-filed case with a request that the Judge assigned to the earliest-filed case consider whether the cases are related.

In reviewing the parties' papers in connection with defendants' motion to dismiss the Second Amended Complaint, it has come to the Court's attention that this action may be related to S.M. v. West Contra Costa School District, 06-6653 CW. The earlier action involves the same parties as this action and, according to defendants, is "similar" to this action. Defendants' Motion To Dismiss SAC at 3. Indeed, defendants refer to the earlier action as the "original lawsuit." Id. at 3, 6. Defendants also argue that the rulings in the earlier-filed case should be considered "law of the case." Id. at 14. Plaintiff also addresses the effect, or lack there of, of rulings in the earlier-filed case. Plaintiff's Opposition at 9.

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Accordingly, pursuant to Local Rule 3-12(c) this action is referred to the Honorable
Claudia Wilkins for a determination of whether this action is related to S.M. v. West Contra
Costa School District, 06-6653 CW.

IT IS SO ORDERED.

Dated: Jan. 14, 2009



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE