

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
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Shahriar Almasi, et al.,
Plaintiffs,
v.
Equilon Enterprises, LLC,
Defendant.

NO. C 10-03458 JW
NO. C 10-05223-SBA

ORDER DENYING MOTION TO RELATE

BSD, Inc., et al.,
Plaintiffs,
v.
Equilon Enterprises, LLC, et al.,
Defendants.

Presently before the Court is Equilon Enterprises, LLC’s (“Defendant”) Administrative Motion to Consider Whether Cases Should be Related.¹ Defendant’s Motion seeks the Court’s determination as to whether Shahriar Almasi, et al. v. Equilon Enterprises, LLC, Case No. 10-CV-03458-JW (“Almasi Case”) should be related to BSD, Inc., et al. v. Equilon Enterprises, LLC, et al., Case No. 10-CV-05223-SBA (“BSD Case”). (Motion at 1.)

Civil Local Rule 3-12(a) provides:

An action is related to another action when:

¹ (hereafter, “Motion,” Docket Item No. 24.)

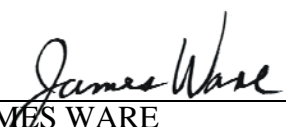
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- (1) The action concerns substantially the same parties, property, transaction or event; and
- (2) It appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different judges.

Here, the two actions involve completely different Plaintiffs, and the BSD Case involves a second Defendant, Anabi Oil Corporation, that is not involved in the Almasi Case. Moreover, the properties at issue, along with their accompanying leases, are different in the two cases. The “Right of First Refusal Offer” letters at issue in the two cases are also different. Because the cases raise different questions of liability regarding separate properties and leases, there is no risk of inconsistent judgments. Thus, the Court finds that there is no risk of “unduly burdensome duplication of labor and expenses or conflicting results if the cases are conducted before different Judges.”

Accordingly, the Court finds that Shahriar Almasi, et al. v. Equilon Enterprises, LLC, Case No. 10-CV-03458-JW is not related to BSD, Inc., et al. v. Equilon Enterprises, LLC, et al., Case No. 10-CV-05223-SBA within the meaning of Rule 3-12(a).

Dated: December 15, 2010



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Jocelyn Dana Hannah jhannah@wilsonturnerkosmo.com
3 Robin Assaf Wofford rwofford@wilsonturnerkosmo.com
4 Thomas Paul Bleau bleaushark@aol.com

4

5

Dated: December 15, 2010

Richard W. Wieking, Clerk

6

7

By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28