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5 **UNITED STATES DISTRICT COURT**  
6 **NORTHERN DISTRICT OF CALIFORNIA**  
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9 **ZAC PROPERTIES, LLC,**

10 **Plaintiff,**

11 **vs.**

12 **VAUGHN RHOADES, et al.,**

13 **Defendants.**  
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**Case Nos.: 13-CV-2139-YGR**  
**13-CV-2970-SBA**

**ORDER RELATING CASES; ADOPTING**  
**MAGISTRATE JUDGE'S REPORT AND**  
**RECOMMENDATION; REMANDING CASE**

United States District Court  
Northern District of California

16 Two matters are now before the Court. The first is Magistrate Judge Maria-Elena James's  
17 Sua Sponte Judicial Referral for Purpose of Determining Relationship of Cases, concerning *Zac*  
18 *Properties, LLC v. Rhoades*, Case No. 13-cv-2139-YGR, and *Zac Properties, LLC v. Rhoades*, Case  
19 No. 13-cv-2970-SBA<sup>1</sup> ("Referral"). The second is Magistrate Judge James's Report and  
20 Recommendation ("Report") that the latter case be remanded to state court, where it was originally  
21 filed as an unlawful detainer action.

22 With respect to the Referral, the Court determines that the subject cases are related pursuant  
23 to Civil Local Rule 3-12(a). Cases are related if they "concern substantially the same parties,  
24 property, transaction or event" and "[i]t appears likely that there will be an unduly burdensome  
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26 <sup>1</sup> The latter-filed case originally came before Magistrate Judge James. A few weeks after Magistrate  
27 Judge James issued her Referral and her Report, when neither party had consented (or declined) her  
28 jurisdiction, the Clerk of the Court reassigned the case to an Article III judge, who then immediately  
recused himself. (Dkt. Nos. 6, 7, 8.) The Clerk then reassigned the case once more, this time to the  
Honorable Sandra Brown Armstrong (Dkt. No. 9), whose initials the case now bears.

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duplication of labor and expense or conflicting results if the cases are conducted before different Judges.” Civ. L.R. 3-12(a). Here, the parties and the property at the center of the case—real property located on Wentworth Place in Newark, California—are identical. Undue duplication of labor would result if this case were now to be assigned to a different Judge, this Judge having become familiar with the relevant record. Accordingly, the two cases are hereby **RELATED**.

The Court turns next to the Report. Magistrate Judge James recommends that the higher-numbered action then assigned to her be remanded to Alameda County Superior Court. (Case No. 13-cv-2970, Dkt. No. 3.) No party has filed an objection to the Report, and the time to object to the Report, which issued September 30, 2013, has elapsed. *See* Fed. R. Civ. P. 72(b)(2) (14 days to object), Fed. R. Civ. P. 6(d) (additional three days where service is by mail). The Court finds the Report correct, well-reasoned, and thorough, and adopts it in every respect. Accordingly, and for the reasons set forth in the Report, Case No. 13-cv-2970 is hereby **REMANDED** to Alameda County Superior Court.

This Order relates Case Nos. 13-cv-2139 and 13-cv-2970, terminates Docket No. 3 in Case No. 13-cv-2970, and remands Case No. 13-cv-2970.

**IT IS SO ORDERED.**

Date: October 23, 2013

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE