

1 1. Plaintiff LAGUNITAS filed a subrogation Complaint in the Sonoma County Superior
2 Court on or about June 15, 2015, naming defendant SENTRY, Sonoma County Superior Court
3 Case No. SCV257294. SENTRY removed the case to the United States District Court for the
4 Northern District of California on or about June 29, 2015, Case No. 4:15-cv-02971-KAW and
5 the case is currently pending before Magistrate Judge Kandis A. Westmore.

6 2. On or about July 28, 2015, LAGUNITAS filed the operative Second Amended Complaint
7 (“LAGUNITAS SAC”) and added plaintiff TWIN CITY, LAGUNITAS’ workers’ compensation
8 insurer. The LAGUNITAS SAC is a subrogation action seeking reimbursement for worker’s
9 compensation benefits paid by TWIN CITY to LAGUNITAS’ employee PERKINS.

10 3. The LAGUNITAS SAC contains causes of action three causes of action: 1) Negligence;
11 2) Strict Products Liability (manufacturing, design and warning defect); and 3) Breach of the
12 Implied Warranties of Merchantability and Fitness.

13 4. No Case Management Order has been issued in the LAGUNITAS/TWIN CITY action
14 and the Court extended the mediation deadline to allow the parties to resolve the issue of
15 consolidation.

16 5. Plaintiff PERKINS filed a Complaint in the Sonoma County Superior Court on or about
17 August 14, 2015, naming defendant SENTRY, Sonoma County Superior Court Case No.
18 SCV257582. SENTRY removed the case to the United States District Court for the Northern
19 District of California on or about December 22, 2015, Case No. 3:15-cv-06044-MEJ and the case
20 is currently pending before Magistrate Judge Maria Elena James.

21 6. The PERKINS Complaint is a complaint for personal injuries PERKINS sustained while
22 in the course and scope of his employment with LAGUNITAS.

23 7. The PERKINS Complaint includes five causes of action: 1) Negligence; 2) Strict
24 Products Liability – Manufacturing Defect; 3) Strict Products Liability – Design Defect; 4) Strict
25 Products Liability – Failure to Warn; and 5) Breach of Implied Warranties of Merchantability
26 and Fitness.

1 8. The initial case management conference in the PERKINS action is not scheduled to take
2 place until March 24, 2016. Accordingly, no Case Management Order has issued.

3 9. Both the LAGUNITAS/TWIN CITY action and the PERKINS action arise from an
4 accident occurring on August 19, 2013 at 1280 North McDowell Boulevard in Petaluma,
5 California and in which PERKINS sustained personal injuries while in the course and scope of
6 his employment with LAGUNITAS. PERKINS and LAGUNITAS/TWIN CITY allege that
7 PERKINS was injured while troubleshooting an issue with a Bulk Depalletizer machine
8 SENTRY sold and delivered to the LAGUNITAS premises in or about June 2013. All plaintiffs
9 claim SENTRY's Bulk Depalletizer suffered from product defects (manufacturing, design and
10 warning) for which SENTRY is responsible.

11 10. The LAGUNITAS SAC and the PERKINS Complaint contain the same causes of action
12 and nearly identical factual allegations which create common issues of law and fact sufficient to
13 warrant consolidation under Federal Rule of Civil Procedure 42.

14 11. Consolidation of the LAGUNITAS/TWIN CITY and PERKINS matters will promote
15 judicial efficiency and result in efficiency for all parties.

16 12. Consolidation of the LAGUNITAS/TWIN CITY and PERKINS matters will not create
17 inconvenience, delay or expense.

18 13. Moreover, California law requires consolidation of actions against third parties by the
19 employer and employee if brought independently. Cal. Labor Code §2853.

20 14. Accordingly, LAGUNITAS, TWIN CITY, PERKINS and SENTRY agree that the
21 LAGUNITAS/TWIN CITY and PERKINS actions, respectively Case Nos. 4:15-CV-02971-
22 KAW and Case No. 3:15-CV-06044-MEJ, should be consolidated for pre-trial proceedings, trial
23 and appeal.

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28 The Lagunitas Brewing Company, et al. v. Sentry Equipment Erectors, Inc., Case No. 4:15-cv-02971-KAW and
Perkins v. Sentry Equipment Erectors, Inc., Case No. 3:15-cv-06044-MEJ
STIPULATION AND [PROPOSED] ORDER CONSOLIDATING CASE NOS. 4:15-CV-02971-KAW AND 3:15-
CV-06044-MEJ

1 15. It is further agreed that the PERKINS action should be reassigned to the Honorable
2 Kandis A. Westmore, the magistrate judge handling the LAGUNITAS/TWIN CITY action as it
3 was the earliest filed action.

4 **IT IS SO STIPULATED.**

5 Dated: February 12, 2016

ADELSON, TESTAN, BRUNDO, NOVELL &
JIMENEZ

/s/ Davil Vasquez

7 By _____

8 Davil Vasquez, Esq.
9 Attorneys for Plaintiffs
10 THE LAGUNITAS BREWING
11 COMPANY, A CALIFORNIA
CORPORATION; AND TWIN CITY FIRE
INSURANCE COMPANY, AN INDIANA
CORPORATION

12 Dated: February 12, 2016

KRANKEMANN PETERSEN LLP

/s/ W. Christian Krankemann

14 By _____

15 W. Christian Krankemann, Esq.
16 Attorneys for Plaintiff
CHARLES CHRISTOPHER PERKINS

17 Dated: February 12, 2016

LIVINGSTON LAW FIRM

/s/ Craig A. Livingston

19 By _____

20 Craig A. Livingston
21 Crystal L. Van Der Putten
22 Attorneys for Defendant
23 SENTRY EQUIPMENT ERECTORS, INC.
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~~[PROPOSED]~~ ORDER

Pursuant to the Federal Rule of Civil Procedure 42 and the parties' stipulation, and good cause appearing, Case No. 4:15-cv-02971-KAW, entitled The Lagunitas Brewing Company, et al. v. Sentry Equipment Erectors, Inc., and Case No. 3:15-cv-06044-MEJ, entitled Perkins v. Sentry Equipment Erectors, Inc., shall be consolidated for pre-trial proceedings, trial and appeal.

Perkins v. Sentry Equipment Erectors, Inc., Case No. 3:15-cv-06044-MEJ, shall be reassigned to Magistrate Judge Kandis A. Westmore.

The clerk shall cause a copy of this Order to be placed in the separate file for Perkins v. Sentry Equipment Erectors, Inc., Case No. 3:15-cv-06044-MEJ.

IT IS SO ORDERED.

Dated: 3/10/16 _____



KANDIS A. WESTMORE
UNITED STATES MAGISTRATE JUDGE