

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ENERTRODE, INC.,
Plaintiff,
v.
GENERAL CAPACITOR CO. LTD, et al.,
Defendants.

Case No. [16-cv-02458-HSG](#)
ORDER CONSOLIDATING CASES
Re: Dkt. No. 36

GENERAL CAPACITOR
INTERNATIONAL, INC., et al.,
Plaintiffs,
v.
LINDA ZHONG,
Defendant.

Case No. [17-cv-00179-HSG](#)
ORDER CONSOLIDATING CASES

On January 23, 2017, the parties in Enertrode, Inc. v. General Capacitor Co. LTD, Case No. 16-cv-02458-HSG, filed a stipulation with a proposed order consolidating that case with General Capacitor International Inc. v. Zhong, Case No. 17-cv-00179-HSG. Enertrode, Dkt. No. 36. On February 10, 2017, by order of the Court, the parties filed a joint statement regarding the consolidation of these cases. *Id.*, Dkt. No. 46. The Court also heard from the parties regarding consolidation at the case management conferences on January 24, 2017, and February 28, 2017. See *id.*, Dkt. Nos. 38, 51. At the latter case management conference, the Court declared that it would grant consolidation for all pretrial purposes. *Id.*, Dkt. No. 51; see also Zhong, Dkt. No. 48.

Under Federal Rule of Civil Procedure 42(a), a court may consolidate actions if they “involve a common question of law or fact.” The district court enjoys “broad discretion under this rule to consolidate cases pending in the same district.” *Inv’rs Research Co. v. U.S. Dist. Court for Cent. Dist. of Cal.*, 877 F.2d 777, 777 (9th Cir. 1989); see also *Snyder v. Nationstar Mortg. LLC*,


1 2016 U.S. Dist. LEXIS 83924, at *4 (N.D. Cal. June 28, 2016) (same). In exercising this “broad
2 discretion,” the district court “weighs the saving of time and effort consolidation would produce
3 against any inconvenience, delay, or expense that it would cause.” *Huene v. United States*, 743
4 F.2d 703, 704 (9th Cir.), *on reh’g*, 753 F.2d 1081 (9th Cir. 1984); see also *Snyder*, 2016 U.S. Dist.
5 LEXIS 83924, at *4 (same).

6 After careful consideration of the parties’ stipulation, joint statement, and arguments at the
7 case management conferences, as well as the relevant legal authorities, the Court finds that the two
8 cases in question involve common questions of fact and that consolidation of pretrial proceedings
9 would save substantial time and effort. Moreover, the Court does not anticipate that consolidation
10 of pretrial proceedings in these two cases would cause significant inconvenience, delay, or
11 additional expense. Accordingly, the Court **GRANTS** the parties’ request to consolidate the
12 cases, but only with respect to pretrial proceedings. As stated at the most recent case management
13 conference, the Court postpones any ruling on consolidation for the purposes of trial.

14 GOOD CAUSE appearing therefore, the case captioned General Capacitor International
15 Inc. v. Zhong, Case No. 17-cv-00179-HSG is hereby consolidated for the purpose of pretrial
16 proceedings into Enertrode, Inc. v. General Capacitor Co. LTD, Case No. 16-cv-02458-HSG.
17 The earlier-filed civil action, Case No. 16-cv-2458-HSG, shall serve as the lead case. The clerk is
18 directed to administratively close the later-filed civil action, Case No. 17-cv-179-HSG. All future
19 filings should be done in the lead case only and should be captioned “In Re General Capacitor.”

20 **IT IS SO ORDERED.**

21 Dated: 3/1/2017

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23 HAYWOOD S. GILLIAM, JR.
24 United States District Judge
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