

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

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

MELISSA L. VIGIL, individually and on behalf
of all others similarly situated,

No. C 17-00929 JSW

Plaintiff,

v.

**ORDER GRANTING MOTION TO STAY
PROCEEDINGS IN FAVOR OF FIRST-
FILED LITIGATION**

COLGATE-PALMOLIVE COMPANY,

Defendant.

_____ /

Now before the Court is motion to dismiss or to stay proceedings in favor of first-filed litigation filed by Defendant Colgate-Palmolive Company (“Defendant”). Pursuant to Civil Local Rule 7-1(b), the Court finds that the motion which has been noticed for hearing on Friday, April 28, 2017 at 9:00 a.m., is appropriate for decision without oral argument. Accordingly, the hearing date is hereby VACATED.

The first-to-file rule is designed to promote judicial efficiency by avoiding any unnecessary burden on the federal judiciary and by avoiding duplicative or conflicting judgments. *Alltrade, Inc. v. Uniweld Products, Inc.*, 946 F.2d 622, 625 (9th Cir. 1991). That rule embodies principles of comity and permits a court to transfer, stay, or dismiss an action when a similar complaint has been filed in another district court. *Id.* at 623. A court must examine three factors: (1) the chronology of the two actions; (2) the similarity of the parties; and (3) the similarity of the issues. *Id.* at 625-26; *Pacesetter Systems, Inc. v. Medtronic, Inc.*, 678 F.2d 93, 95 (9th Cir. 1982). The first-to-file rule “is not a rigid or inflexible rule to be mechanically applied, but rather is to be applied with a view to the

1 dictates of sound judicial administration.” *Pacesetter*, 678 F.2d at 95.

2 In this matter, each of the factors weighs in favor of applying the first-to-file rule and staying
3 this action pending resolution of the first-filed matter, *Jaqueline Dean v. Colgate-Palmolive*
4 *Company*, No. 5:15-cv-00107-JGB-DTB (C.D. Cal.) (“*Dean*”). There is no dispute that this action
5 was later-filed, the cases involve similar parties, and that the issues in the actions are similar.
6 Accordingly, in its discretion, the Court HEREBY GRANTS Defendant’s motion to stay pending
7 resolution of the first-filed action. The parties shall update the Court by joint submission within five
8 court days of resolution of the *Dean* matter, or every 120 days, whichever is sooner.

9
10 **IT IS SO ORDERED.**

11 Dated: April 20, 2017

12 
13 _____
14 JEFFREY S. WHITE
15 UNITED STATES DISTRICT JUDGE
16
17
18
19
20
21
22
23
24
25
26
27
28