

United States District Court
For the Northern District of California

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E-FILED 2/7/2008

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

PIOTR J. GARDIAS,

Plaintiff,

v.

No. C07-06242 HRL

**ORDER DENYING PLAINTIFF'S
MOTION TO CONSOLIDATE**

THE CALIFORNIA STATE UNIVERSITY,
SAN JOSE STATE UNIVERSITY,

Defendant.

[Docket No. 2]

On December 11, 2007, plaintiff filed his sixth lawsuit (C07-06242) for alleged employment discrimination against defendant and requested that it be consolidated for all purposes with his five previously filed actions under Consolidated Case No. C04-04086. Although the court indicated, at a February 5, 2008 status conference in C04-04086, that it was inclined to grant plaintiff's request, upon further review of his complaint in C07-06242, it appears that this newest lawsuit raises issues that are not present in the other five. Specifically, plaintiff's newest complaint indicates that he intends to raise issue(s) as to a claimed disability. By contrast, in C04-04086HRL, plaintiff vigorously opposed defendant's efforts to obtain discovery of his medical records by disclaiming any disability and any intent to inject issues as to his health in that litigation. Indeed, defendant consequently was barred from taking discovery of plaintiff's medical records because of these positions taken by plaintiff.

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Accordingly, plaintiff's motion for consolidation is denied. *See* Fed.R.Civ.P. 42(a).
The initial case management conference in Case No. C07-06242 remains set for April 1, 2008.
(The clerk of the court shall also file a copy of this order in C04-04086).

IT IS SO ORDERED.

Dated: February 7, 2008



HOWARD F. LLOYD
UNITED STATES MAGISTRATE JUDGE

1 **A copy of this document will be mailed to:**

2 Piotr J. Gardias
3 72 Floyd Street
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5 Plaintiff (Pro Se)

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