

\*\*E-filed 3/9/06\*\*

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8 **UNITED STATES DISTRICT COURT**  
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
10 **SAN JOSE DIVISION**  
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12 PACIFIC NEWS SERVICE,

13 Plaintiff,

14 v.

15 Jeanne S. WOODFORD, Acting Secretary of the  
16 California Department of Corrections and  
17 Rehabilitation; Steven W. Ornoksi, Acting Warden  
of San Quentin State Prison; and Does 1-50,

18 Defendants.

Case Number C 06 1793 JW HRL

DEATH-PENALTY CASEORDER RELATING CASES AND  
SETTING HEARING ON MOTION  
TO CONSOLIDATE

[Docket No. 3]

19 The present action concerns a First Amendment challenge by a news organization to  
20 California's lethal-injection protocol. Plaintiff moves to relate and consolidate the present action  
21 with *Morales v. Woodford*, Nos. C 06 219 JF RS & C 06 926 JF RS, which involves an Eighth  
22 Amendment challenge to the protocol, and also moves to shorten time so that its motion may be  
23 heard on March 10, 2006. Defendants consent to relation of the cases but oppose both  
24 consolidation and the motion to shorten time.

25 Having considered the moving and opposing papers, and in light of Defendants' non-  
26 opposition to Plaintiff's substantive motion insofar as the motion seeks to relate the present  
27 action to *Morales*, the motion is GRANTED to that extent. The Court hereby designates the  
28 Honorable Richard Seeborg, the assigned magistrate judge for *Morales*, as the assigned

1 magistrate judge for the instant case. All future filings in the instant case shall bear the case  
2 number C 06 1793 JF.RS.

3 To the extent that Plaintiff seeks consolidation of the instant case with *Morales* for  
4 purposes of discovery and the evidentiary hearing now scheduled for May 2 and 3, 2006, the  
5 Court concludes that Defendants have raised substantial case management concerns that should  
6 be addressed by the Court and counsel in an orderly manner. In light of the Court's calendar and  
7 other commitments on March 10, 2006, and because both the Court and Defendants' lead counsel  
8 thereafter will be unavailable until March 20, 2006, the Court declines to hear the motion to  
9 consolidate on March 10, 2006, and instead will hear the motion on Tuesday, March 21, 2006 at  
10 1:30pm. Counsel may appear in person or by telephone. Plaintiff may file a reply to Defendants'  
11 opposition to consolidation not later than March 16, 2006. The hearing on the motion to  
12 consolidate shall be followed by a case management conference; in the event consolidation of the  
13 cases is granted, the Court will adjust the current case-management schedule in *Morales* to the  
14 extent that such adjustment is necessary and appropriate.

15 IT IS SO ORDERED.

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17 DATED: March 9, 2006

18 JEREMY FOGEL  
19 United States District Judge  
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