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E-Filed 6/10/09

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

PAUL CICALA, et al.,

Plaintiffs,

v.

CITY OF SAN JOSE, et al.,

Defendant.

Case No. C 08-04032 JF (PVT)

(This order also is to be filed in
Case No. C 09-00176 RMW (PVT))

ORDER¹ RELATING CLAIMS

Pursuant to Civ. L. R. 3-12, the Court has considered whether *Valdez v. City of San Jose*, C 09-00176 RMW (PVT), a later-filed action pending before the Honorable Ronald M. Whyte, should be related wholly or in part to the instant case. The Court has conferred with Judge Whyte, and counsel for the parties in both matters have been afforded notice and an opportunity to be heard.

Both of the cases in question concern alleged civil rights violations by police officers of the City of San Jose in the enforcement of Cal. Pen. Code § 647(f). Plaintiffs in the instant case assert individual claims for damages and also seek relief pursuant to *Monell v. Department of Social Services*, 436 U.S. 658 (1989). Plaintiffs in *Valdez* assert individual claims for damages and also allege claims on behalf of a purported class that allegedly has been subjected to the

¹ This disposition is not appropriate for publication in the official reports.

1 same policies, customs and practices challenged by the *Monell* claim in the instant case. Counsel
2 for all parties agree that the disputed factual issues with respect to the individual plaintiffs'
3 claims for damages are distinct and that relating those claims would not promote judicial
4 economy. It is apparent, however, that it would promote judicial economy to coordinate the
5 proceedings with respect to the *Monell* and class-action claims. In addition, counsel in *Valdez*
6 agree that status of the class-action claims in that case should be resolved prior to trial of the
7 individual claims for damages in that case.

8 Accordingly, and good cause therefor appearing, IT IS HEREBY ORDERED as follows:

- 9 1. The class-action claims in *Valdez v. City of San Jose* are hereby related to the above-
10 captioned case for all purposes;
- 11 2. Any discovery disputes with respect to the related claims shall be heard by Magistrate
12 Judge Patricia V. Trumbull;
- 13 2. The remaining claims in *Valdez v. City of San Jose* are hereby stayed pending
14 disposition of the class-action claims or until further order of the Court;
- 15 3. Upon dissolution of the stay, the remaining claims in *Valdez v. City of San Jose* shall
16 proceed before Judge Whyte.

17
18 DATED: 6/10/09

19 
20 JEREMY FOGEL
21 United States District Judge
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