

1

2

3

4

5

6

IN THE UNITED STATES DISTRICT COURT

7

FOR THE NORTHERN DISTRICT OF CALIFORNIA

8

SAN JOSE DIVISION

9

Steven Nakash, et al.,

NO. C 08-04312 JW

10

Inicom Networks, Inc.,

NO. C 08-04332 JF

NO. C 08-04596 RS

11

Todd Feinstein,

NO. C 08-05082 HRL

NO. C 08-05179 HRL

12

Jordan Cormier,

NO. C 08-05217 PVT

NO. C 08-05520 JF

13

National Business Officers Association, Inc.,

**ORDER GRANTING MOTIONS TO
RELATE CASES; SETTING CASE
MANAGEMENT CONFERENCE**

14

Brent West,

15

16

17

Louis Olivos,

18

19

Plaintiffs,

20

v.

21

NVIDIA Corp.,

22

Defendant.

23

24

Presently before the Court are Defendant's administrative motions to relate Nakash v. NVIDIA Corp., No. C 08-4312¹ to the following later-filed cases: (1) Inicom Networks, Inc. v.

25

26

27

28

¹ Nakash was previously related to Feinstein v. NVIDIA Corp., No. C 08-04596. (See December 3, 2008 Order, hereafter, "December 3 Order," Docket Item No. 21.) In addition, Defendant moves to relate Sielick v. NVIDIA Corp., No. C 08-0802 SS (W.D. Texas). (See Docket Item No. 27.) The Court DENIES this motion as premature since the case has not yet been transferred to this district.

1 NVIDIA Corp., No. C 08-04332 JF²; (2) Cormier v. NVIDIA Corp., No. C 08-05082 HRL³; (3)
2 Nat'l Bus. Officers Assoc., Inc. v. NVIDIA Corp., No C 08-05179 HRL⁴; (4) West v. NVIDIA
3 Corp., No. C 08-05217 PVT⁵; (5) Olivos v. NVIDIA Corp., et al., C 08-05520 JF.⁶

4 On December 3, 2008, the Court granted Defendant's motion to relate Nakash and Feinstein.
5 (December 3 Order at 2.) The Court also denied, without prejudice to be renewed, Defendant's
6 motions to relate Nat'l Bus. Officers, Inicom and Cormier, and to consolidate Nakash and Feinstein
7 with Inicom and transfer the consolidated action to Judge Fogel. (Id.) Defendant has now renewed
8 its motions and Plaintiffs have joined in these motions.⁷

9 Civil Local Rule 3-12(a) provides that an action is related to another when:

- 10 (1) The actions concern substantially the same parties, property, transaction or event; and
11 (2) It appears that there will be an unduly burdensome duplication of labor and expense
12 or conflicting results if the cases are conducted before different judges.

13 Upon review, the Court finds that Defendant has made a sufficient showing to establish that each of
14 the later-filed cases are substantially related under Local Rule 3-12(a). Since Nakash is the first-
15 filed action, the cases are properly related to the Nakash action. Accordingly, the Court GRANTS
16 Defendant's various Motions to Relate.

17 Currently, Nakash and Feinstein are scheduled for a Case Management Conference on
18 January 26, 2009. In light of this Order, the Court VACATES the January 26, 2009 Case
19 Management Conference and sets a Case Management Conference on **February 23, 2009 at 10**

20

21

² (See Docket Item No. 26.)

22

³ (See Docket Item No. 25.)

23

⁴ (See Docket Item No. 24.)

24

⁵ (See Docket Item No. 23.)

25

⁶ (See Docket item No. 31.)

26

27 ⁷ (See Docket Item No. 34.) The Court DENIES Plaintiffs' Motion to Consolidate and
28 Appoint Lead Plaintiff and Lead Counsel as premature.

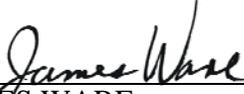
28

1 **a.m.** for all the related cases.⁸ On or before **February 13, 2009**, the parties in all of the related
2 actions shall file a single Joint Case Management. The Statement shall, among other things, set
3 forth a schedule to advance this case, including a proposed schedule for consolidating the cases into
4 one action and for the appointment of Lead Plaintiffs and Lead Counsel.

5 Until the actions are consolidated and further order of the Court, all documents shall be filed
6 in each individual action.

7 In light of this Order, the March 2, 2009 hearing on these motions are VACATED.

8
9 Dated: December 30, 2008



JAMES WARE
United States District Judge

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

⁸ In light of this Order, Plaintiff Nakash and Defendant NVIDIA's Joint Administrative Motion to Continue Case Management Conference is DENIED as moot. (See Docket Item No. 40.)

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Joshua Daniel Watts jwatts@orrick.com
3 Justin Myer Lichterman jlichterman@orrick.com
4 Paul R. Kiesel Kiesel@kbla.com
5 Robert P. Varian rvarian@orrick.com

6 **Dated: December 30, 2008**

Richard W. Wieking, Clerk

7 **By: /s/ JW Chambers**
8 **Elizabeth Garcia**
9 **Courtroom Deputy**

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28