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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

LOAY S. NASER,)
)
 Plaintiff,)
 v.)
 METROPOLITAN LIFE INSURANCE)
 COMPANY, ET AL.,)
 Defendants.)
 _____)

Case No.: C-11-04046 PSG
**ORDER REFERRING CASE FOR
RELATED CASE CONSIDERATION
PURSUANT TO CIV. L.R. 3-12(c);
ORDER VACATING SEPTEMBER
13, 2011 CASE MANAGEMENT
CONFERENCE**

A case management conference is scheduled to be held on September 13, 2011. In advance of that conference, the parties have jointly stipulated to dismiss Defendant Nam Patel (“Patel”) with prejudice and to consolidate this case with an earlier filed case involving the same parties and based on some of the same operable facts. That case is *Naser v. Metropolitan Life Insurance Company, et al.*, Case No. 10-4475 EJD. In the earliest filed case, Plaintiff Loay S. Naser (“Naser”) filed a notice of pendency of other action¹ and in this case, Defendants filed a statement and notice of related case.²

“Whenever a party knows or learns of an action, filed or removed to this district (or the

¹ See Docket No. 35.

² See Docket No. 4.

1 party believes that the action may be) related to an action which is or was pending in this District
2 as defined in Civil L.R. 3-12(a), the party must promptly file in the earliest-filed case an
3 Administrative Motion to Consider Whether the Cases Should be Related, pursuant to Civil L.R.
4 7-11.”³ Alternatively, “[w]henver a Judge believes that a case pending before that Judge is
5 related to another case, the Judge may refer the case to the Judge assigned to the earliest-filed
6 case with a request that the Judge assigned to the earliest-filed case consider whether the cases
7 are related.”⁴

8 Here, the earliest filed case is assigned to Judge Davila. Accordingly, the undersigned
9 hereby refers this case to Judge Davila to consider whether the earliest-filed case and this case
10 are related. The case management conference scheduled to be held on September 13, 2011 is
11 vacated.

12 **IT IS SO ORDERED.**

13 Dated: September 12, 2011

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PAUL S. GREWAL
United States Magistrate Judge

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3 Civ. L.R. 3-12(b).

28 4 Civ. L.R. 3-12(c).