

United States District Court  
For the Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

M. HELEN BERNSTEIN,	)	Case No.: 13-CV-01701-LHK
	)	
Plaintiff,	)	ORDER DENYING MOTIONS TO
	)	RELATE
v.	)	
	)	
APOLLO GROUP, INC., <i>et al.</i> ,	)	
	)	
Defendants.	)	

Plaintiff M. Helen Bernstein (“Bernstein”) has filed three motions to relate cases pursuant to Civil Local Rule 3-12. The first seeks to relate *Leon v. Exponent, Inc.*, Case No. 13-CV-05481-EJD, to the above-captioned case. Case No. 13-CV-01701, ECF No. 168. The second two seek to relate *In re: for the Issuance of a Subpoena Order Under 28 U.S.C.1782 to Exponent, Inc. dba Delaware Exponent, Inc. and Celina J. Mikolajczak, P.E. for the Production of Documents for Use in a Foreign Proceeding*, Case No. 13-MC-80270, to the above-captioned case. Case No. 13-MC-80270, ECF Nos. 19, 20.

Under Civil Local Rule 3-12(a), actions are related when: “(1) [t]he actions concern substantially the same parties, property, transaction or event; and (2) [i]t appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges.” The Court finds that this standard is not met with respect to

1 either Case No. 13-CV-05481 or Case No. 13-MC-80270. The above-captioned action asserts  
2 various contract and tort claims against the University of Phoenix arising out of Bernstein's  
3 experience as a student at that institution. Case No. 13-CV-01701, ECF No. 49. Case No. 13-CV-  
4 05481, by contrast, appears to state a claim for defamation arising out of incidents relating to  
5 lithium ion batteries used in airplanes, Case No. 13-CV-05481, ECF No. 1, while Case No. 13-  
6 MC-80270 seeks to compel the production of documents that purportedly relate to safety issues  
7 involving lithium ion batteries, Case No. 13-MC-80270, ECF No. 8 at 1-2. The cases are not  
8 substantially related in terms of either subject matter or defendants, and there is no risk of "unduly  
9 burdensome duplication of labor and expense or conflicting results" if these cases are not related.  
10 Accordingly, Bernstein's Motions to Relate are DENIED.

11 **IT IS SO ORDERED.**

12 Dated: January 3, 2014

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15 LUCY H. KOH  
16 United States District Judge