

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DARREN WALLACE, et al.,
Plaintiffs,
v.
CITY OF SAN JOSE,
Defendant.

Case No. [5:16-cv-04914-HRL](#)

**ORDER DENYING PLAINTIFFS'
MOTION TO RELATE CASES**

Re: Dkt. No. 66

Pursuant to Civ. L.R. 3-12, plaintiffs move to relate the instant action (hereafter, Wallace) to several others, more recently filed.¹ Wallace is assigned to this court upon the consent of all parties. As both sides have advised the court, however, the plaintiffs in the more recently filed cases have declined magistrate judge jurisdiction. Thus, plaintiffs request that the newer actions “be related to Wallace but be assigned to the appropriate Article II Judge.” (Dkt. 66 at 9). For various reasons, defendant City of San Jose (City) objects to plaintiffs’ request, which the City views as an impermissible attempt at “judge shopping.”

¹ The proposed related actions are 3:18-cv-01383-JD Barnett, et al. v. City of San Jose; 5:18-cv-01386-BLF Crivelo, et al. v. City of San Jose; 5:18-cv-01390-EJD Ryan, et al. v. City of San Jose; 5:18-cv-01393-EJD Belton, et al. v. City of San Jose; 5:18-cv-01394-LHK Escobar, et al. v. City of San Jose; 5:18-cv-01403-LHK Conde, et al. v. City of San Jose; 3:18-cv-01406-WHO Westcott, et al. v. City of San Jose.

1 It is this court's understanding that, due to plaintiffs' declination of magistrate judge
2 jurisdiction in the newer actions, if this court were to relate Wallace to the more recently filed
3 actions, then all cases, including Wallace, would be reassigned to a District Judge. Based on that
4 understanding, this court declines to relate the cases because doing so would not serve the interest
5 of judicial economy. Wallace is at the dispositive motion stage. The parties have submitted briefs
6 on summary judgment; the court held a lengthy hearing on the matter and stands poised to issue its
7 ruling on that motion. If all cases were to be related, the present action would be reassigned, and
8 all of this court's work will have been for nothing. Accordingly, plaintiffs' motion to relate cases
9 is denied. The court suggests that plaintiffs may wish to ask the judge assigned to the next lowest
10 case number whether the more recently filed actions should be related.

11 SO ORDERED.

12 Dated: April 27, 2018



HOWARD R. LLOYD
United States Magistrate Judge