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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	Case No.: 08cv0506 AJB (NLS)
	)	
Plaintiff,	)	
v.	)	ORDER DENYING MOTION
	)	TO CONSOLIDATE
53.14 ACRES OF LAND, more or less	)	
situated in San Diego County, State of	)	[Doc. No. 87]
California; et al.,	)	
	)	
Defendants.	)	
_____	)	


The Defendant, the State of California, filed a motion to consolidate, Doc. No. 87, seeking to consolidate the instant action with *United State of America v. 127.60 Acres of Land, et al.*, (hereinafter “127.60 Acre Case”), 06cv1670 AJB (NLS). Under Federal Rule of Civil Procedure 42(a)(2), a court has broad discretion to consolidate cases pending in the same district. *See Investors Research Co. v. U.S. Dist. Ct.*, 877 F.2d 777, 777 (9th Cir.1989). In considering a motion to consolidate actions, a court, among other things, “weighs the saving of time and effort consolidation would produce against any inconvenience, delay, or expense that it would cause.”<sup>1</sup>

<sup>1</sup> *Huene v. United States*, 743 F.2d 703, 704 (9th Cir.1984) (stating the court should consider: whether the specific risks of prejudice and possible confusion are overcome by the risk of inconsistent adjudications of common factual and legal issues, the burden on parties, witnesses, and available judicial resources posed by multiple lawsuits, the length of time required to conclude multiple suits as against a single one, and the relative expense of all concerned of the single-trial, multiple-trial alternatives.).

1 The instant motion to consolidate was also filed in the 127.6 Acre Case and was denied by this  
2 Court on June 29, 2011 after careful consideration of the appropriate factors.<sup>2</sup> As such, and for the  
3 reasons previously set forth by the Court on the record during the June 29, 2011 hearing in the 127.50  
4 Acres Case, Defendant's motion to consolidate is hereby DENIED.

5 IT IS SO ORDERED.

6  
7 DATED: August 23, 2011

8   
9 Hon. Anthony J. Battaglia  
U.S. District Judge

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<sup>2</sup> See 127.60 Acre Case, 06cv1670 AJB (NLS), Hearing Transcript, Doc. No. 233, p. 162, lines  
28 14-22, (denying the motion to consolidate based upon the complicated nature, uniqueness of the  
properties and the likelihood that consolidation would confuse the jury as to what evidence and  
testimony applied to each property.).