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7 UNITED STATES DISTRICT COURT
8 SOUTHERN DISTRICT OF CALIFORNIA
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10 JOSEPH A. COLLINS,

11 Plaintiff,

12 v.

13 RICHARD V. SPENCER,

14 Defendant.

Case No.: 17-CV-1723 JLS (KSC)

Related Case: 17-CV-1724 JLS (KSC)

**ORDER GRANTING JOINT
MOTIONS TO CONSOLIDATE**

(17-CV-1723: ECF No. 8)

(17-CV-1724: ECF No. 9)

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17 Presently before the Court are the Parties' Joint Motions to Consolidate Cases and
18 File an Amended Complaint. Plaintiff filed two lawsuits, 17-CV-1723, and 17-CV-1724.
19 The cases have been deemed related and both have been assigned to this Court. The Parties
20 have filed the present Motion requesting the Court consolidate the two matters. The Joint
21 Motion was filed in both matters, (17-CV-1723, ECF No. 8; 17-CV-1724, ECF No. 9.)

22 Consolidation of cases is governed by Federal Rule of Civil Procedure 42(a), which
23 provides as follows:

24 (a) Consolidation. If actions before the court involve a common question of law or
25 fact, the court may:

- 26 (1) join for hearing or trial any or all matters at issue in the actions;
27 (2) consolidate the actions; or
28 (3) issue any other orders to avoid unnecessary cost or delay.

1 Fed. R. Civ. P. 42(a). This rule affords courts “broad discretion” to consolidate cases
2 pending in the same district, either upon motion by a party or sua sponte. *In re Adams*
3 *Apple, Inc.*, 829 F.2d 1484, 1487 (9th Cir. 1987). “The Court considers a number of factors
4 in analyzing the appropriateness of consolidation, including judicial economy, whether
5 consolidation would expedite resolution of the case, whether separate cases may yield
6 inconsistent results, and the potential prejudice to a party opposing consolidation.” *First*
7 *Mercury Ins. Co. v. SQI, Inc.*, No. C13-2109 JLR, 2014 WL 496685, at *3 (W.D. Wash.
8 Feb. 6, 2014) (citing 8 Moore’s Federal Practice § 42.10 (Matthew Bender ed. 3d Ed.
9 2017)).

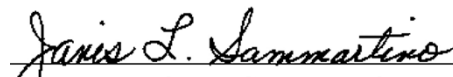
10 Here, the Court finds consolidation will serve the interests of judicial economy by
11 eliminating the need to file separate motions in each case on similar issues. Further, there
12 is no prejudice, as shown by the fact that the Parties filed a Joint Motion to Consolidate.
13 Accordingly, the Court **GRANTS** the Joint Motions and consolidates this case for all
14 purposes with *Collins v. Spencer*, 17-CV-1724 JLS (KSC). All future pleadings **SHALL**
15 bear the case number 17-CV-1723 JLS (KSC). Further, the Parties state Plaintiff has
16 agreed to file an Amended Complaint; this **SHALL** be filed in 17-CV-1723 within 45 days
17 of the date this Order is electronically docketed.

18 CONCLUSION

19 The Joint Motions to Consolidate are **GRANTED**, (17-CV-1723, ECF No. 8; 17-
20 CV-1724, ECF No. 9.) Accordingly, the Court **DISMISSES AS MOOT** Defendant’s prior
21 Motions to Consolidate, (17-CV-1723, ECF No. 7, and 17-CV-1724, ECF No. 8) and
22 **VACATES** the hearing set for February 1, 2018. The Clerk **SHALL** close the file for 17-
23 CV-1724.

24 IT IS SO ORDERED.

25 Dated: December 20, 2017

26 
27 Hon. Janis L. Sammartino
28 United States District Judge