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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MICHAEL L. LOGAN, individually  
and on behalf of all others similarly  
situated,  
Plaintiff,

NO. 2:17-CV-0394-TOR

v.

UNION PACIFIC RAILROAD  
COMPANY, a Delaware Corporation,  
Defendant,

and

GREGORY NEAL GONZALES,  
individually and on behalf of all others  
similarly situated,  
Plaintiff,

NO. 2:17-CV-5193-TOR

v.

BNSF RAILWAY COMPANY,  
Defendant.

ORDER GRANTING UNOPPOSED  
MOTIONS TO CONSOLIDATE



1 *Gonzales*, ECF No. 1-1 at ¶¶ 25-38. Plaintiffs assert these claims individually and  
2 on behalf of purported classes of similarly situated employees. *Logan*, ECF No. 1-  
3 1 at ¶ 15; *Gonzales*, ECF No. 1-1 at ¶ 16.

4 In response to Plaintiffs’ claims and allegations, Defendants both argue that  
5 Washington’s laws and regulations pertaining to rest periods do not apply to  
6 railroad employees because they are preempted by federal law. *Logan*, ECF No. 3  
7 at 6-7; *Gonzales*, ECF No. 2 at 8-9.

## 8 **DISCUSSION**

9 Federal Rule of Civil Procedure 42(a) governs consolidation in federal  
10 courts, and provides:

11 If actions before the court involve a common question of law or fact, the  
12 court may: (1) join for hearing or trial any or all matters at issue in the  
13 actions; (2) consolidate the actions; or (3) issue any other orders to avoid  
unnecessary cost or delay.

14 Fed. R. Civ. P. 42(a). “The district court has broad discretion under this rule to  
15 consolidate cases pending in the same district.” *Inv’rs Research Co. v. U.S. Dist.*  
16 *Ct. for Cent. Dist. of Cal.*, 877 F.2d 777, 777 (9th Cir. 1989). In determining  
17 whether to consolidate cases, the court should “weigh the interest of judicial  
18 convenience against the potential for delay, confusion and prejudice.” *Zhu v.*  
19 *UCBH Holdings, Inc.*, 682 F. Supp. 2d 1049, 1052 (N.D. Cal. 2010).

1           The Court finds that consolidation of the two cases is appropriate. As the  
2 parties in *Logan* and *Gonzales* have stipulated – and as the pleadings amply  
3 demonstrate – both cases “involve identical issues of law and virtually identical  
4 issues of fact[.]” *Logan*, ECF No. 28 at 4; *Gonzales*, ECF No. 27 at 2, which  
5 satisfies requirements of Rule 42. The Court finds Consolidation will save judicial  
6 resources without causing any potential delay, confusion or prejudice to the parties.  
7 Indeed, consolidation will favor the parties and they have stipulated to the  
8 consolidation. Finally, consolidation presents no conflicts of interest, and  
9 resolution of the cases together will ensure consistency in the findings and  
10 conclusions of the Court.

11 **ACCORDINGLY, IT IS ORDERED:**

- 12           1. Defendant Union Pacific Railroad Company’s Unopposed Motion to  
13           Consolidate Cases (ECF No. 28) is **GRANTED**.
- 14           2. Defendant BNSF Railway Company’s Unopposed Motion to Consolidate  
15           Cases (ECF No. 27) is **GRANTED**.
- 16           3. The cases of *Logan v. Union Pacific Railroad Company*, 2:17-CV-0394-  
17           TOR and *Gonzales v. BNSF Railway Company*, 4:17-CV-5193-TOR are  
18           **CONSOLIDATED** as 2:17-CV-0394-TOR. No further filings shall be  
19           made in 4:17-CV-5193-TOR, which file shall be administratively closed.  
20           All pleadings therein maintain their legal relevance. Any further

1 pleadings received by the Clerk of Court for case number 4:17-CV-5193-  
2 TOR shall be filed in this consolidated case, case number 2:17-CV-0394-  
3 TOR.

4 4. The now consolidated scheduling conference calendared for **March 7,**  
5 **2018 at 1:30 p.m. REMAINS SET.**

6 The District Court Executive is hereby directed to enter this Order, provide  
7 copies to counsel, and administratively **CLOSE** 4:17-CV-5193-TOR.

8 **DATED** March 1, 2018.



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*Thomas O. Rice*  
THOMAS O. RICE  
Chief United States District Judge