1		
2		
3		
4		
5	UNITED STATES DISTRICT COURT	
6	EASTERN DISTRICT	T OF WASHINGTON
7	MICHAEL L. LOGAN, individually and on behalf of all others similarly	NO. 2:17-CV-0394-TOR
8	situated, Plaintiff,	NO. 2.17-C V-0374-10K
9		
10	V.	
11	UNION PACIFIC RAILROAD COMPANY, a Delaware Corporation,	
12	Defendant,	
13	and	
14		
15	GREGORY NEAL GONZALES,	NO. 2:17-CV-5193-TOR
16	individually and on behalf of all others similarly situated,	
17	Plaintiff,	ODDED CDANTINIC UNODDOGED
18	V.	ORDER GRANTING UNOPPOSED MOTIONS TO CONSOLIDATE
19	BNSF RAILWAY COMPANY,	
20	Defendant.	
	ORDER GRANTING UNOPPOSED MO	TIONS TO CONSOLIDATE ~ 1 Dockets.Ju

BEFORE THE COURT is Defendant Union Pacific Railroad Company's 1 2 Unopposed Motion to Consolidate Cases (ECF No. 28). Union Pacific Railroad 3 Company requests the court consolidate this case, Logan v. Union Pacific Railroad Company, 2:17-CV-0394-TOR, with another action pending before this Court, 4 5 Gonzales v. BNSF Railway Company, 4:17-CV-5193-TOR. In Gonzales, BNSF 6 Railway filed an identical Unopposed Motion to Consolidate. 4:17-CV-5193-7 TOR, ECF No. 27. These matters were submitted for consideration without oral 8 argument. The Court—having reviewed the briefing, the record, and files 9 therein—is fully informed. As discussed below, the motions (ECF Nos. 28 and 27, 10 respectively) are GRANTED.

11

BACKGROUND

In early November 2017, Plaintiffs Michael Logan and Gregory Gonzales 12 13 filed complaints in Washington Superior Court on behalf of themselves and 14 putative classes of current and former employees from Union Pacific and BNSF, respectively. Logan, ECF No. 1-1 at ¶ 1; Gonzales, ECF No. 1-1 at ¶ 1. In late 15 November 2017, both cases were removed to this Court. See Logan, ECF No. 1-1; 16 Gonzales, ECF No. 1-1. In both cases, Plaintiffs allege that Defendants failed to 17 18 pay employees for rest periods in violation of section 296-126-092(4) of the Washington Administrative Code and that these violations were willful or 19 intentional pursuant to RCW 49.52.050, 070. Logan, ECF No. 1-1 at ¶ 24-37; 20

ORDER GRANTING UNOPPOSED MOTIONS TO CONSOLIDATE ~ 2

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; <i>Gonzales</i> , 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. <i>Logan</i> , ECF No. 3	
7	at 6-7; <i>Gonzales</i> , 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 court may: (1) join for bearing or trial any or all matters at issue in the	
12		
13	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).	
20		

ORDER GRANTING UNOPPOSED MOTIONS TO CONSOLIDATE ~ 3

1	The Court finds that consolidation of the two cases is appropriate. As the	
2	parties in <i>Logan</i> and <i>Gonzales</i> 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	
	ORDER GRANTING UNOPPOSED MOTIONS TO CONSOLIDATE ~ 4	

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.
9	Homas O.R.i
10	THOMAS O. RICE Chief United States District Judge
11	Chief Onited States District studge
12	
13	
14	
15	
16	
17	
18	
19	
20	
	ORDER GRANTING UNOPPOSED MOTIONS TO CONSOLIDATE ~ 5