

THE HONORABLE JOHN C. COUGHENOUR

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BERNADEAN RITTMANN, *et al.*,

Plaintiffs,

v.

AMAZON.COM INC., *et al.*,

Defendants.

CASE NO. C16-1554-JCC

ORDER CONSOLIDATING
CASES

This matter comes before the Court *sua sponte*. Pursuant to Federal Rule of Civil Procedure 42(a)(2), the Court hereby consolidates *Ponce v. Amazon.com Services Inc.*, Case No. C19-1718-JCC (W.D. Wash. 2019); *Keller v. Amazon.com Inc.*, Case No. C19-1719-JCC (W.D. Wash. 2019); *Diaz v. Amazon.com Inc*, Case No. C21-0419-JCC (W.D. Wash. 2021); and *Puentes v. Amazon.com Services LLC*, Case No. C21-1370-JCC (W.D. Wash. 2021) with this action for the reasons explained below.

I. BACKGROUND

The facts of this case have been outlined in a prior order, and the Court will not repeat them here. (*See* Dkt. No. 115.) The Court has previously consolidated several related cases in

1 this action.¹ In 2019, two cases—*Ponce* and *Keller*—were transferred to the Western District of
2 Washington pursuant to the “first-to-file” rule after finding “that all of the claims in both *Keller*
3 and *Ponce* are identical to, or closely mirror, the claims in” the instant action. *See Ponce v.*
4 *Amazon.com Services Inc.*, Case No. C19-1718-JCC, Dkt. Nos. 74 at 3, 75 (W.D. Wash. 2019);
5 *Keller v. Amazon.com Inc.*, Case No. C19-1719-JCC, Dkt. Nos. 84, 85 (W.D. Wash. 2019). In
6 2021, two additional cases were transferred under the first-to-file rule. *See Diaz v. Amazon.com*
7 *Inc*, Case No. C21-0419-JCC, Dkt. No. 22 (W.D. Wash. 2021); *Puentes v. Amazon.com Services*
8 *LLC*, Case No. C21-1370-JCC, Dkt. No. 42 (W.D. Wash. 2021).

9 II. DISCUSSION

10 If multiple actions before the Court involve a common question of law or fact, the Court
11 may consolidate the actions, and may do so *sua sponte*. *See* Fed. R. Civ. P. 42(a)(2); *In re Adams*
12 *Apple, Inc.*, 829 F.2d 1484, 1487 (9th Cir. 1987) (citing § 2383 Consolidation—Discretion of
13 Court, 9A FED. PRAC. & PROC. CIV. § 2383 (3d ed.)). The Court has substantial discretion in
14 determining whether to consolidate the actions. *Inv’rs Research Co. v. U.S. Dist. Court for Cent.*
15 *Dist. of Cal.*, 877 F.2d 777, 777 (9th Cir. 1989). “In exercising its discretion to consolidate, the
16 Court ‘must balance the savings of time and effort consolidation will produce against any
17 inconvenience, delay, confusion, or prejudice that may result.’” *Ekin v. Amazon Servs., LLC*,
18 Case No. C14-0244-JCC, Dkt. No. 21 at 3 (W.D. Wash. 2014) (quoting *Takeda v. Turbodyne*
19 *Tech., Inc.*, 67 F. Supp. 2d 1129, 1133 (C.D. Cal. 1999)).

20 “Once a common question of law or fact is identified, the Court considers factors such as
21 the interests of justice, expeditious results, conservation of resources, avoiding inconsistent
22 results, and the potential of prejudice.” *Miller v. Monroe Sch. Dist.*, Case No. C15-1323-JCC,

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25 ¹ *See, e.g., Ronquillo v. Amazon.com Inc*, Case No. C19-0398-JCC, Dkt. No. 33 (W.D.
26 Wash. 2019); *Hoyt v. Amazon.com Inc*, Case No. C19-0498-JCC, Dkt. No. 57 (W.D. Wash.
2019); *Lawson v. Amazon.com Inc*, Case No. C17-1438-JCC, Dkt. No. 41 (W.D. Wash. 2017).

1 Dkt. No. 21 at 3 (W.D. Wash. 2015).

2 Here, the transferred cases all share a common question of law—whether Amazon and its
3 affiliate’s practice of classifying certain delivery drivers as “independent contractors” is
4 improper.² Failing to consolidate the transferred cases risks complications from the overlap in
5 their putative classes, claims, defendants, and core theory of defendants’ liability. In addition,
6 consolidating supports efficiency, conserves judicial resources, and avoids disparate court orders,
7 furthering the interests of justice.

8 **III. CONCLUSION**

9 Accordingly, these cases are consolidated. The Clerk is DIRECTED to consolidate case
10 numbers C19-1719-JCC, C19-1718-JCC, C21-0419-JCC, and C21-1370 into case number C16-
11 1554-JCC. All future pleadings shall bear the case number C16-1554-JCC.

12 DATED this 16th day of June 2022.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE

² Compare Dkt. No. 174 with *Ponce v. Amazon.com Services Inc.*, Case No. C19-1718-JCC, Dkt. No. 18-4 (W.D. Wash. 2019); *Keller v. Amazon.com Inc.*, Case No. C19-1719-JCC, Dkt. No. 18-3 (W.D. Wash. 2019); *Diaz v. Amazon.com Inc.*, Case No. C21-0419-JCC, Dkt. No. 18-5 (W.D. Wash. 2021); *Puentes v. Amazon.com Services LLC, et al.*, Case No. C21-1370-JCC, Dkt. No. 1-3 (W.D. Wash. 2021).