

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SPENCER et al.,

Plaintiffs,

v.

KING COUNTY,

Defendant.

CASE NO. 2:25-cv-00204-TMC

ORDER CONSOLIDATING CASES

WAVERLY HILLS CLUB INC.,

Plaintiff,

v.

KING COUNTY,

Defendant.

This matter comes before the Court during review of 2:25-cv-00204-TMC *Spencer et al. v. King County* and 3:25-cv-05137-TMC *Waverly Hills Club Incorporated v. King County*.

Having reviewed the complaints and the balance of the records in the above-captioned matters, the Court CONSOLIDATES both actions for purposes of discovery and pretrial motions.

Under Federal Rule of Civil Procedure 42(a), a court may consolidate “actions before the

1 court [that] involve a common question of law or fact.” Courts have broad discretion to
2 consolidate cases pending in the same district. *Garity v. APWU Nat’l Labor Org.*, 828 F.3d 848,
3 855–56 (9th Cir. 2016). A court may consolidate actions sua sponte. *See In re Adams Apple, Inc.*,
4 829 F.2d 1484, 1487 (9th Cir. 1987) (“[C]onsolidation is within the broad discretion of the
5 district court . . . and trial courts may consolidate cases sua sponte.”).

6 Here, Plaintiffs in each case—the Spencers and the Club—are represented by the same
7 attorney and challenge similar actions. Both own property along a recreational trail located in a
8 former rail corridor along the eastern side of Lake Sammamish. Dkt. 1-1 ¶ 11–12 (*Waverly*);
9 Dkt. 1 ¶ 5 (*Spencer*). The Club challenges the rights of King County to exclude the Club from
10 using or charging fees for the Club’s use of the corridor. Dkt. 1-1 ¶¶ 1–3, 22, 26–27 (*Waverly*).
11 Similarly, the Spencers challenge King County’s right to exclude their use of the Corridor. Dkt. 1
12 ¶¶ 1–2, 5, 71–82 (*Spencer*). The Spencers argue that the County’s easement over the corridor
13 does not allow the County to assert exclusive control of the entire right of way or preclude the
14 Spencers’ use. *Id.* ¶¶ 71–82. Thought the Plaintiffs rely on different statutes to support their
15 claims, they both challenge the bounds of the County’s authority and powers over the land. Dkt.
16 1-1 ¶ 15, 17 (*Waverly*); Dkt. 1 ¶¶ 2, 31, 72 (*Spencer*).

17 The cases thus share common questions of law and fact. *See* Fed. R. Civ. P. 42(a).
18 Moreover, consolidating the cases would serve “judicial economy,” “expedite resolution of the
19 case,” and avoid “inconsistent results.” 9 Charles Alan Wright & Arthur R. Miller, *Federal*
20 *Practice and Procedure* § 2383 (3d ed., Apr. 2022 Update).

21 Accordingly, the Court hereby ORDERS:

- 22 • 2:25-cv-00204-TMC *Spencer et al v. King County* and 3:25-cv-05137-TMC
23 *Waverly Hills Club Incorporated v. King County* are CONSOLIDATED for
24

1 discovery and pretrial motions. The Court will consider whether to consolidate for
2 trial at a later point.

- 3 • All future filings in this consolidated action must be filed under case number
4 2:25-cv-00204-TMC, with the following caption: *Spencer et al v. King County*,
5 2:25-cv-00204-TMC.

- 6 • The Clerk is DIRECTED to administratively close *Waverly Hills Club*
7 *Incorporated v. King County*, 3:25-cv-05137-TMC.

8 Dated this 12th day of March, 2025.

9 

10 Tiffany M. Cartwright
11 United States District Judge