Malone et al v. Strong Doc. 60

1 2 3 4 5 UNITED STATES DISTRICT COURT 6 WESTERN DISTRICT OF WASHINGTON AT TACOMA 7 BURT DANIELS, 8 CASE NO. 3:16-CV-05874-RBL-DWC Plaintiff, 9 ORDER GRANTING MOTION TO v. CONSOLIDATE 10 VAN HOOK, 11 Defendant. 12 13 The District Court referred this 42 U.S.C. § 1983 action to United States Magistrate 14 Judge David W. Christel. Presently before the Court is Plaintiff's Motion to Consolidate Water 15 Claims ("Motion"). Dkt. 12.1 Plaintiff requests the Court consolidate his claims related to the 16 potable water at the Special Commitment Center ("SCC") in this case with Malone v. Strong, 17 Case No. 3:16-cv-5284-RBL-DWC. Id. Defendant did not file a response to the Motion. After 18 reviewing the Motion, attached declaration, and relevant record, the Motion is granted. The 19 20 ¹ Pursuant to Local Rule 42, a motion to consolidate should be filed in the earliest filed case, which in this 21 case would be Malone v. Strong, Case No. 3:16-cv-5284-RBL-DWC, and notice should be filed in the later filed case. Here, the Motion was filed in the later filed case without a motion or notice being filed in the earlier case. Local Rule 42 also requires parties to meet and confer and attempt to reach an agreement regarding consolidation of 22 the cases. There is no evidence the parties met and conferred in this case. If counsel intends to consolidate future cases with Malone v. Strong, the Motion should be filed in Malone v. Strong with notice in the later filed case. 23 Additionally, the Motion should indicate if the parties met and conferred and if the parties agree to the consolidation, a stipulation to consolidate should be filed. In the interests of justice, the Court will consider the Motion in this case and consolidate the current case with *Malone v. Strong*.

1	claims in this case related to the potable water at SCC are consolidated with <i>Malone v Strong</i> ,	
2	Case No. 3:16-cv-5284-RBL-DWC.	
3	Dated this 15th day of February, 2017.	
4		Xto Christil
5		David W. Christel
6		United States Magistrate Judge
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