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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 ROY V. RANDALL, SR.,

12 Plaintiff,

13 v.

14 FULCRUM REAL ESTATE
SERVICES, INC.,

15 Defendant.

CASE NO. C17-5570 RJB

ORDER CONSOLIDATING
CASES

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17 This matter comes before the Court on the Court's order to show cause why this case
18 should not be consolidated with *Randall v. Parodi, et. al.*, Western District of Washington case
19 number 17-5425 RJB. The Court has considered the relevant record and the remainder of the file
20 herein.

21 On July 24, 2017, Plaintiff filed a proposed civil complaint, an application to proceed *in*
22 *forma pauperis* ("IFP"), that is, without paying the \$400 filing fee for a civil case. Dkts. 1-1 and
23 1. His application for IFP was granted on August 3, 2017. Dkt. 3.
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1 Plaintiff's complaint asserts that since April of 2015, he requested that the Defendant's
2 employees give him the "reasonable accommodation" of "unfettered access" to get his bicycle to
3 his basement apartment. Dkt. 4. Plaintiff maintains that he is a disabled veteran. *Id.* He states
4 that he had that access in his third floor apartment. *Id.* Plaintiff alleges that "the only
5 accommodation that would allow unfettered access is a key to the elevator allowing access to the
6 basement apartment." *Id.* Plaintiff states that each of the Defendant's employees "refused [his]
7 reasonable accommodations." *Id.* Plaintiff asserts that after his basement apartment flooded
8 twice, the "decision was made to do the repair work on their own," and "they were seeking to
9 force me to surrender [his] basement apartment." *Id.* Plaintiff states that he was forcefully
10 evicted in July of 2017. *Id.* Plaintiff's proposed complaint references "Title VIII of the Civil
11 Rights Act of 1968," and § "804b or f" and "804f3B." *Id.* As relief, Plaintiff states that he is
12 seeking (1) "pain and suffering for two years plus of being deprived of full use of [his] bicycle,"
13 (2) "appropriate punishment for denial of [his] reasonable accommodation," (3) "punishment for
14 the forcible eviction" and "ensuing homeless situation," (4) damages, (5) injunctive relief of
15 suspension of Defendant's "license to practice Real Estate," and (6) "Defendant business
16 practices he studied for further Civil Rights Discrimination violations." *Id.*

17 Plaintiff makes the same or similar allegations in this case as he does in a case Plaintiff
18 recently filed against Defendant's current and former employees in *Randal v. Parodi, et al*,
19 Western District of Washington case number 17-5425 RJB. In that case, Plaintiff he alleges that
20 since April of 2015, he requested the "reasonable accommodation" of "unfettered access" to get
21 his bicycle to his basement apartment. *Randal v. Parodi, et al*, Western District of Washington
22 case number 17-5425 RJB, Dkt. 3, at 2. He states that he had that access in his third floor
23 apartment. *Randal v. Parodi, et al*, Western District of Washington case number 17-5425 RJB,
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1 Dkt. 3, at 2. Plaintiff alleges that “the only accommodation that would allow unfettered access is
2 a key to the elevator allowing access to the basement apartment.” *Randal v. Parodi, et al*,
3 Western District of Washington case number 17-5425 RJB, Dkt. 3, at 2. Plaintiff states that each
4 of the individuals he names as defendants have “refused [his] reasonable accommodations.”
5 *Randal v. Parodi, et al*, Western District of Washington case number 17-5425 RJB, Dkt. 3, at 2.
6 Plaintiff’s complaint in that case references “Title VIII of the Civil Rights Act of 1968,” §
7 “8046” and “80463B.” *Id.* As relief, Plaintiff seeks (1) a key to the elevator, (2) pain and
8 suffering for having to carry his belongings by hand because he did not have access to his bike,
9 (3) “appropriate punishment for denial of [his] reasonable accommodation for the two years
10 plus,” (4) Defendants cease all efforts to evict him, and (5) training for Defendants. *Randal v.*
11 *Parodi, et al*, Western District of Washington case number 17-5425 RJB, Dkt. 3. His application
12 for IFP was granted on July 10, 2017. *Randal v. Parodi, et al*, Western District of Washington
13 case number 17-5425 RJB, Dkt. 4. The *Parodi* Defendants have not yet appeared.

14 On August 3, 2017, Plaintiff was ordered to show cause, in writing, if any he has, why
15 this case and *Randal v. Parodi, et al*, Western District of Washington case number 17-5425 RJB
16 should not be consolidated into one case. Dkt. 3. Plaintiff has not responded.

17 **Standard for Consolidation.** Fed. R. Civ. Pro. 42 (a) provides: “Consolidation. If
18 actions before the court involve a common question of law or fact, the court may: (1) join for
19 hearing or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue
20 any other orders to avoid unnecessary cost or delay.” As indicated by Rule 42’s use of the word
21 “may,” the decision to join cases is a discretionary decision. *See* Fed. R. Civ. Pro. 42. District
22 court judges are afforded broad discretion, subject only to an abuse of discretion standard on
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1 appeal. *Investors Research Co. v. U.S. Dist. Court for Cent. Dist. of California*, 877 F.2d 777
2 (9th Cir. 1989).

3 **Decision on Consolidation.** This case and *Randal v. Parodi, et al*, Western District of
4 Washington case number 17-5425 RJB, should be consolidated under the older case number of
5 17-5425 RJB. Both these cases involve common questions of law and fact. For the sake of
6 economy, “to avoid unnecessary cost or delay” and for the convenience of the parties, they
7 should be handled together. Fed. R. Civ. Pro. 42 (a). The caption should be amended to include
8 all Defendants. This case should be administratively closed, and all future filings in either case
9 should be done under the case number 17-5425 RJB.

10 Accordingly, it is hereby **ORDERED** that:

- 11 • This case and *Randal v. Parodi, et al*, Western District of Washington case
12 number 17-5425 RJB, **ARE CONSOLIDATED** under the older case number of
13 17-5425 RJB;
- 14 • The caption **SHALL BE AMENDED** to include all Defendants; and
- 15 • This case **IS ADMINISTRATIVELY CLOSED**, and all future filings in either
16 case should be done under the case number 17-5425 RJB.

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1 The Clerk is directed to file a copy of this order in *Randal v. Parodi, et al*, Western
2 District of Washington case number 17-5425 RJB and send uncertified copies of this Order to all
3 counsel of record and to any party appearing *pro se* at said party's last known address.

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5 Dated this 14th day of August, 2017.

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9 ROBERT J. BRYAN
10 United States District Judge
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