

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DANIELLE MARCY,

No. 2:22-cv-00523-TLN-CKD

Plaintiff,

v.

J.R. SIMPLOT COMPANY,

Defendant.

DENNIS TONY DUTRA,

No. 2:21-cv-01054-TLN-CKD

Plaintiff,

v.

J.R. SIMPLOT COMPANY,

Defendant.

1 DANIELLE MARCY,

No. 2:22-cv-01971-MCE-JDP

2 Plaintiff,

3 v.

4 J.R. SIMPLOT COMPANY,

RELATED CASE ORDER

5 Defendant.

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7 Defendant filed a Notice of Related Cases on November 1, 2022. Examination of the
8 above-captioned actions reveals they are related within the meaning of Local Rule 123 (E.D. Cal.
9 1997). Pursuant to Rule 123 of the Local Rules of the United States District Court for the Eastern
10 District of California, actions are related when they involve the same parties and are based on the
11 same or similar claim(s); when they involve the same transaction, property, or event; or when
12 they “involve similar questions of fact and the same question of law and their assignment to the
13 same Judge . . . is likely to effect a substantial savings of judicial effort.” L.R. 123(a). Further,

14 [i]f the Judge to whom the action with the lower or lowest number
15 has been assigned determines that assignment of the actions to a
16 single Judge is likely to effect a savings of judicial effort or other
economies, that Judge is authorized to enter an order reassigning all
higher numbered related actions to himself or herself.

17 L.R. 123(c).

18 These actions involve the same or similar parties and claims, as well as the same questions
19 of fact and the same questions of law. Therefore, there would be substantial duplication of labor
20 if these actions were heard by different judges. Consequently, assignment to the same judge
21 would “effect a substantial savings of judicial effort.” L.R. 123(a), *see also* L.R. 123(c).

22 Relating the cases under Local Rule 123, however, merely has the result that both actions
23 are assigned to the same judge, it does not consolidate the actions. Under the regular practice of
24 this Court, related cases are generally assigned to the judge and magistrate judge to whom the
25 first filed action was assigned. Should either party wish to consolidate the actions, the
26 appropriate motion or stipulation must be filed.

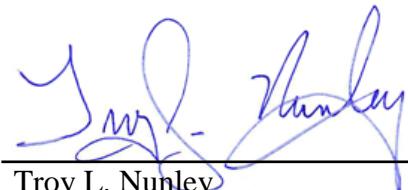
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1 IT IS THEREFORE ORDERED that the action denominated Case No. 2:22-cv-01971-
2 MCE-JDP shall be reassigned to District Judge Troy L. Nunley and Magistrate Judge Carolyn K.
3 Delaney, and the caption shall read Case No. 22:22-cv-01971-TLN-CKD. Any dates currently
4 set in Case No. 2:22-cv-01971-MCE-JDP are hereby VACATED. The Clerk of the Court is to
5 issue the Initial Pretrial Scheduling Order.

6 IT IS SO ORDERED.

7 **DATED: December 15, 2022**

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Troy L. Nunley
United States District Judge
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