UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

THAMAR SANTISTEBAN CORTINA, on behalf of herself and all others similarly situated,

Plaintiff,

v.

GOYA FOODS, INC,

Defendant.

ANDREW J. PARK, on behalf of himself and all others similarly situated,

Plaintiff,

v.

GOYA FOODS, INC.,

Defendant.

JILLIANN PEREZ, on behalf of herself and all others similarly situated,

Plaintiff,

v.

GOYA FOODS, INC.,

Defendant.

Civil No. 14cv169 L (NLS)
14cv1356 L (DHB)
14cv1358 L (JMA)

ORDER CONSOLIDATING CASES

On January 23, 2014, Thamar Santisteban Cortina filed her complaint alleging violations of California's Unfair Competition Law, Business & Professions Code § 17200; False Advertising Law, Business & Professions Code § 17500; and Consumers Legal Remedies Act, Civil Code § 1750. Under Civil Local Rule 40.1(f), defendant Goya Foods, Inc. provided notice of two related cases that were then pending in the United States District Court for the Central District of California: *Andrew Park v. Goya Foods, Inc.*, No. 14-cv-01789-MMM-JCG (C.D. Cal.) and *Jillian Perez v. Goya Foods, Inc.*, No. 14-cv-02001-FMO-PJW (C.D. Cal.).

On May 30, 2014, the parties in both the *Park* and *Perez* cases filed a stipulation to transfer their actions to the United States District Court for the Southern District of California because the first-filed and related putative class action lawsuit was filed as *Cortina v. Goya Foods, Inc.,* No. 14cv169 L(NLS) (S.D. Cal.). The parties indicated that the *Park* and *Perez* actions are predicated on substantially similar facts and substantive allegations, and assert claims on behalf of the same putative class as the first-filed *Cortina* action. The Central District Court granted the stipulation and transferred the *Park* and *Perez* cases to the undersigned in the Southern District of California.[1]

While still pending in the Central District, the *Park* and *Perez* plaintiffs filed a motion for consolidation the cases. When transferred, the motions were taken off calendar and no longer remain pending. Based on the foregoing, the Court issued an order to show causes as to why these three cases should not be consolidated. Each parties' statement of cause was due on or before **June 23, 2014**.

None of the parties object to the consolidation of these cases. However, Goya Foods has requested that the cases only be consolidated after the Court addresses its pending motion to dismiss in the *Cortina* case, due to concerns for "judicial economy." The Court does not find that evaluating the motion to dismiss currently pending in *Cortina* would contribute to "judicial economy." Instead, the Court finds that evaluating this motion in a vacuum separate from the

[1] Upon transfer, the *Park* and *Perez* cases were initially assigned to the Hon. John A. Houston and Hon. Janis L. Sammartino. The cases have now been reassigned to the undersigned pursuant to the District's low-number rule.

other two cases would be a waste of resources. Therefore, the Court finds that these cases should be consolidated and **ORDERS AS FOLLOWS**:

1. The above captioned cases are to be **CONSOLIDATED**, and all future filings shall be made in the low numbered case, *Cortina*, 14-cv-169.
2. The parties must file a consolidated Complaint that will supercede the three current complaints on or before **July 25, 2014**.
3. The pending motion to dismiss (*MTD* [Doc. 7]) and ex parte motion (*Ex Parte Motion* [Doc. 19]) in *Cortina* are **DISMISSED** as **MOOT**.

IT IS SO ORDERED.

DATED: June 30, 2014

M. James Lorenz
United States District Court Judge