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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

BRITTANY SEBASTIAN and
ASHLEY LYNNE POPOWITZ,
individually, on behalf of themselves
and others similarly situated,

Plaintiffs,

vs.

KIMBERLY-CLARK
CORPORATION; KIMBERLY-
CLARK WORLDWIDE, INC.; and
KIMBERLY-CLARK GLOBAL
SALES, LLC,

Defendants.

Case No.: 3:17-CV-00442-WQH-JMA

**ORDER GRANTING JOINT
MOTION TO CONSOLIDATE
RELATED CASE**

Honorable William Q. Hayes

1 NASREEN HARIS, individually, on
2 behalf of themselves and others
3 similarly situated,

4 Plaintiff,

5 vs.

6 KIMBERLY-CLARK
7 CORPORATION; KIMBERLY-
8 CLARK WORLDWIDE, INC.; and
9 KIMBERLY-CLARK GLOBAL
SALES, LLC,

10 Defendants.
11

Case No.: 3:18-CV-00046-WQH-JMA

12
13
14 BEFORE THE COURT is the parties' Joint Motion to Consolidate Related Case
15 (3:17-CV-00442-WQH-JMA, ECF No. 25). This matter was submitted without oral
16 argument. The Court has reviewed the record and files herein, and is fully informed.

17 **BACKGROUND**

18 On March 29, 2017, Plaintiffs Brittany Sebastian and Ashley Lynne Popowitz filed
19 their First Amended Complaint in case number 3:17-CV-00442-WQH-JMA. ECF No.
20 8.

21 On December 8, 2017, a related action, *Haris v. Kimberly-Clark Worldwide, Inc.,*
22 *et al.*, Case No. 4:17-CV-07016-KAW, was filed in the Northern District of California.
23 *See* 4:17-CV-07016-KAW, ECF No. 1.

24 On January 4, 2018, *Haris v. Kimberly-Clark Worldwide, Inc., et al.*, Case No.
25 4:17-CV-07016-KAW was transferred to this Court after it was deemed related to
26 *Sebastian v. Kimberly-Clark Corporation, et al.*, Case No. 3:17-CV-00442-WQH-JMA.
27 *See* 4:17-CV-07016-KAW, ECF No. 6.
28

1 On January 8, 2018, *Haris v. Kimberly-Clark Worldwide, Inc., et al.* was assigned
2 Case No. 3:18-CV-0046 and transferred to Judge William Q. Hayes pursuant to the Low-
3 Number Rule. See 3:18-CV-0046-WQH-JMA, ECF Nos. 7-9.

4 On February 20, 2018, the parties jointly moved the Court to consolidate the cases.
5 See 3:17-CV-00442-WQH-JMA, ECF No. 25.

6 DISCUSSION

7 Federal Rule of Civil Procedure 42(a) governs consolidation, and states, “[i]f
8 actions before the court involve a common question of law or fact, the court may: (1)
9 join for hearing or trial any or all matters at issue in the actions; (2) consolidate the
10 actions; or (3) issue any other orders to avoid unnecessary cost or delay.” Fed. R. Civ.
11 P. 42(a). “The district court has broad discretion under this rule to consolidate cases
12 pending in the same district.” *Investors Research Co. v. U.S. Dist. Court for Cent.*
13 *Dist. of California*, 877 F.2d 777, 777 (9th Cir. 1989). In determining whether to
14 consolidate cases, the court should “weigh the interest of judicial convenience against
15 the potential for delay, confusion and prejudice.” *Zhu v. UCBH Holdings, Inc.*, 682 F.
16 Supp. 2d 1049, 1052 (N.D. Cal. 2010); see also *Huene v. United States*, 743 F.2d 703,
17 704 *on reh’g*, 753 F.2d 1081 (9th Cir. 1984).

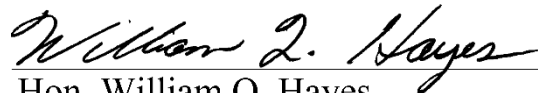
18 The Court determines that consolidation of the *Sebastian* and *Haris* cases is
19 appropriate. The cases involve the same questions of law and fact and consolidation
20 will reduce delay and confusion without prejudicing the parties. Consolidation of the
21 cases will allow the Court to hear all dispositive motions in conjunction, expediting
22 their resolution. Finally, consolidation will not prejudice the parties as both matters are
23 in similar procedural postures, involve the same factual allegations, present no
24 conflicts of interest, and because resolution of the cases together will ensure
25 consistency in the findings and conclusions of the Court.

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ACCORDINGLY, IT IS HEREBY ORDERED

1. The Joint Motion to Consolidate (3:17-CV-00442-WQH-JMA, ECF No. 25) is **GRANTED**.
2. The cases *Sebastian, et al. v. Kimberly-Clark Worldwide, et al.*, 3:17-CV-00442-WQH-JMA, and *Haris v. Kimberly-Clark Worldwide, Inc., et al.*, 3:18-CV-00046-WQH-JMA, are **CONSOLIDATED** as 3:17-CV-00442-WQH-JMA. No further filings shall be made in 3:18-CV-00046-WQH-JMA, which file shall be administratively closed. All pleadings therein maintain their legal relevance. Any further pleadings received by the Clerk of Court for case number 3:18-CV-00046-WQH-JMA shall be filed in this consolidated case, case number: 3:17-CV-00442-WQH-JMA.
3. **Plaintiffs shall file the Consolidated Class Action Complaint, attached as Exhibit A to the Joint Motion to Consolidate Related Case, on the docket in 3:17-CV-00442-WQH-JMA within ten (10) days of the date this Order is entered.**

Dated: February 22, 2018


 Hon. William Q. Hayes
 United States District Court