

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MELISSA L. VIGIL, individually and on behalf
of all others similarly situated,

No. C 17-00929 JSW

Plaintiff,

v.

COLGATE-PALMOLIVE COMPANY,

Defendant.

**ORDER GRANTING MOTION TO STAY
PROCEEDINGS IN FAVOR OF FIRST-
FILED LITIGATION**

Now before the Court is motion to dismiss or to stay proceedings in favor of first-filed litigation filed by Defendant Colgate-Palmolive Company (“Defendant”). Pursuant to Civil Local Rule 7-1(b), the Court finds that the motion which has been noticed for hearing on Friday, April 28, 2017 at 9:00 a.m., is appropriate for decision without oral argument. Accordingly, the hearing date is hereby VACATED.

The first-to-file rule is designed to promote judicial efficiency by avoiding any unnecessary burden on the federal judiciary and by avoiding duplicative or conflicting judgments. *Alltrade, Inc. v. Uniweld Products, Inc.*, 946 F.2d 622, 625 (9th Cir. 1991). That rule embodies principles of comity and permits a court to transfer, stay, or dismiss an action when a similar complaint has been filed in another district court. *Id.* at 623. A court must examine three factors: (1) the chronology of the two actions; (2) the similarity of the parties; and (3) the similarity of the issues. *Id.* at 625-26; *Pacesetter Systems, Inc. v. Medtronic, Inc.*, 678 F.2d 93, 95 (9th Cir. 1982). The first-to-file rule “is not a rigid or inflexible rule to be mechanically applied, but rather is to be applied with a view to the

dictates of sound judicial administration.” *Pacesetter*, 678 F.2d at 95.

In this matter, each of the factors weighs in favor of applying the first-to-file rule and staying this action pending resolution of the first-filed matter, *Jaqueline Dean v. Colgate-Palmolive Company*, No. 5:15-cv-00107-JGB-DTB (C.D. Cal.) (“*Dean*”). There is no dispute that this action was later-filed, the cases involve similar parties, and that the issues in the actions are similar. Accordingly, in its discretion, the Court HEREBY GRANTS Defendant’s motion to stay pending resolution of the first-filed action. The parties shall update the Court by joint submission within five court days of resolution of the *Dean* matter, or every 120 days, whichever is sooner.

IT IS SO ORDERED.

Dated: April 20, 2017



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE