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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Comite de Jornaleros de Redondo Beach, *et al.*,

Plaintiffs,

v.

City of Redondo Beach,

Defendant.

NO. CV 04-9396 CBM (PJWx)

ORDER DECLINING TRANSFER OF
COMITE DE JORNALEROS DE REDONDO BEACH V. CITY OF REDONDO BEACH TO THE CALENDAR OF U.S. DISTRICT JUDGE OTERO

The court is in receipt of the Notice of Related Cases filed in the action *Comite de Jornaleros de Redondo Beach, et al. v. City of Redondo Beach*, CV 04-9396 CBM (PJWx) (hereinafter, "the *Redondo Beach Action*"). The Notice avers that the *Redondo Beach Action* is related to an earlier-filed case styled, *Comite de Jornaleros de Glendale, et al. v. City of Glendale*, CV 04-3521 SJO (Ex) (hereinafter, "the *Glendale Action*"). Specifically, Plaintiff claims that these cases are related for the following reasons:

1. Both cases arise from the same or substantially identical transactions, happenings, or events;
2. Both cases call for a determination of the same or substantially identical questions of law and fact; and

3. both cases are likely to entail substantial duplication of labor if heard by different judges.

Upon review of the record, I decline to transfer the *Redondo Beach Action* to my calendar from the calendar of Judge Consuelo B. Marshall on the grounds that (1) the cases do not arise from the same or substantially identical transactions, happenings, or events and (2) they involve dissimilar statutes. While the amended Glendale ordinance *exempts sidewalks* from the areas wherein solicitation is prohibited, the Redondo ordinance does not.¹ Further, the Glendale Action involves a Temporary Skilled Worker Center, which was purportedly funded by the City Council to make the Center free for all day laborers who wanted to use it.

Because the two actions arise from different sets of facts, and because the cases call for a determination of dissimilar questions of law and fact, I find that these cases are unlikely to entail substantial duplication of labor if heard by different judges. The only similarity between these cases is the fact that they were brought before this court by the same plaintiffs and counsel. Accordingly, I decline the transfer of the *Redondo Beach Action* to my calendar.

IT IS SO ORDERED.

Dated this 16 day of December, 2004.


S. JAMES OTERO
UNITED STATES DISTRICT JUDGE

¹ The Redondo Beach Municipal Code § 3-7.1601(a) provides:

a) It shall be unlawful for any person to stand on a street or highway and solicit, or attempt to solicit, employment, business, or contributions from an occupant of any motor vehicle. For purposes of this section, "street or highway" shall mean all of that area dedicated to public use for public street purposes and shall include, but not be limited to, roadways, parkways, medians, alleys, *sidewalks*, curbs, and public ways.

(Emphasis added).