

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

-----oo0oo-----

SIERRA NEVADA FOREST PROTECTION
CAMPAIGN, CENTER FOR BIOLOGICAL
DIVERSITY, NATURAL RESOURCES
DEFENSE COUNCIL, SIERRA CLUB, and
THE WILDERNESS SOCIETY, non-profit
organizations,

No. CIV-S-05-0205 MCE GGH

**ORDER DENYING FEDERAL
DEFENDANTS' MOTION TO
CONSOLIDATE CASES**

Plaintiffs,

v.

MARK REY, in his official capacity as
Under Secretary of Agriculture; DALE
BOSWORTH, in his official capacity
as Chief of the United States Forest
Service; JACK BLACKWELL, in his official
capacity as Regional Forester,
Region 5, United States Forest Service;
JAMES M. PEÑA, in his official capacity as
Forest Supervisor, Plumas National Forest,

Federal Defendants.

PEOPLE OF THE STATE OF CALIFORNIA,
ex rel. BILL LOCKYER,
Attorney General,

No. CIV-S-05-0211 MCE GGH

Plaintiff,

v.

1 UNITED STATES DEPARTMENT OF
2 AGRICULTURE; MIKE JOHANNNS, in his
3 official capacity as Secretary of the
4 Department of Agriculture;
5 MARK REY, in his official capacity as
6 Under Secretary of Agriculture;
7 DALE BOSWORTH, in his official capacity
8 as Chief of the United States Forest
9 Service; and JACK A. BLACKWELL in his
10 official capacity as Regional Forester,
11 Region 5, United States Forest Service,

12 Federal Defendants.

13 CALIFORNIA FORESTRY ASSOCIATION
14 and AMERICAN FOREST & PAPER
15 ASSOCIATION,

No. CIV-S-0905-MCE DAD

16 Plaintiffs,

17 v.

18 DALE BOSWORTH, Chief, United States
19 Forest Service; MIKE JOHANNNS, Secretary of
20 Agriculture; and JACK A. BLACKWELL,
21 Regional Forester, Pacific Southwest Region,
22 United States Forest Service,

23 Federal Defendants.

24 PACIFIC RIVERS COUNCIL,

No. CIV-S-00953 MCE DAD

25 Plaintiff,

26 v.

27 UNITED STATES FOREST SERVICE;
28 MARK REY, in his official capacity as Under
Secretary of Agriculture; DALE BOSWORTH,
in his official capacity as Chief of the
United States Forest Service;
JACK BLACKWELL, in his official capacity
as Regional Forester,
Region 5, United States Forest Service,

Federal Defendants.

-----oo0oo-----

_____The matter is before the Court upon a motion by the
United States to consolidate, pursuant to Rule 42(a) of the

1 Federal Rules of Civil Procedure, the four above-captioned cases,
2 which have all been previously related in accordance with the
3 provisions of Local Rule 83-123. According to the United States,
4 consolidation would promote judicial economy by providing a
5 comprehensive procedural mechanism for coordinating all four of
6 these challenges to the 2004 Sierra Nevada Forest Plan Amendment.

7 In requesting consolidation only for purposes of such
8 coordination, however, the United States specifically states that
9 the four cases should *not* be merged. This concern is reiterated
10 by Plaintiffs California Forestry Association, Sierra Nevada
11 Forest Protection Campaign, People of the State of California and
12 Pacific Rivers Council, who agree with consolidation only to the
13 extent that the related cases are *not* merged and consolidation is
14 limited to requiring coordinated briefing and hearing schedules
15 to promote the efficient resolution of each case.

16 Although the parties appear to be in agreement that the
17 cases not be merged, the procedure utilized by this Court for
18 consolidation involves that very procedural vehicle, and would
19 entail designation of a single master case into which the other
20 cases would be incorporated. Given the complexity of these cases
21 and the factual distinctions which apply to some of the actions,
22 such merger in the Court's view would be both unwieldy,
23 impracticable, and contrary to the parties' desires in any event.
24 Because the Court finds that such consolidation would
25 consequently not promote judicial economy, the United States'

26 //

27 //

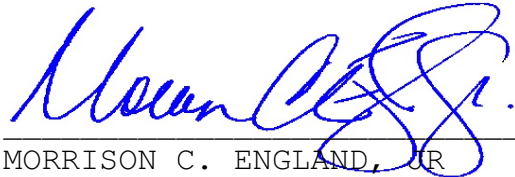
28 //

1 Motion to Consolidate is DENIED.¹

2 The Court does, find, however, that coordination within the
3 confines of the related status of these cases is indicated.
4 Consequently coordination to that extent will occur. The parties
5 in each case shall consult and, within 21 days of this order,
6 submit joint status reports that include proposed schedules for
7 briefing the merits of the cases.

8 IT IS SO ORDERED.
9

10 DATED: July 27, 2005

11
12 
13 _____
14 MORRISON C. ENGLAND, JR.
15 UNITED STATES DISTRICT JUDGE
16
17
18
19
20
21
22
23
24
25
26

27 _____
28 ¹Because oral argument would not be of material assistance,
this matter was deemed suitable for decision without oral
argument. E.D. Local Rule 78-230(h).