

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

12 SHARON BRIDGEWATER,

13 Plaintiff, No. C 09-3551 PJH

14 v. **ORDER FINDING CASES**15 HAYES VALLEY LIMITED
PARTNERSHIP, et al.,**NOT RELATED**

16 Defendants.

17 _____ /
18 Before the court is a motion to determine relatedness of Bridgewater v. Hayes Valley
19 Limited Partnership, C-09-3551 PJH, and Bridgewater v. Hayes Valley Limited Partnership,
20 C-10-0703 SBA. The court has reviewed the complaints and the procedural history of the
21 two cases, and finds that they are not related within the meaning of Civil Local Rule 3-12.22 Under Rule 3-12, an action is related to another action when “[t]he actions concern
23 substantially the same parties, property, transaction or event;” and when “[i]t appears likely
24 that there will be an unduly burdensome duplication of labor and expense or conflicting
25 results if the cases are conducted before different Judges.” Civil L.R. 3-12(a).26 Here, both cases involve the same parties. The plaintiff in both cases is Sharon
27 Bridgewater, proceeding in propria persona. In both cases, she filed requests for leave to
28 proceed in forma pauperis. Defendants in both cases are Hayes Valley Limited Partnership

1 (also known as Hayes Valley Apartments II L.P.); McCormack Baron Ragan Management
2 Services, Inc.; MBA Urban Development Co.; The Related Companies of California, Inc.;
3 and Sunamerica Affordable Housing Partnership, Inc. Both cases also appear to involve
4 the same “transaction or event” – the state court judicial action resulting in the eviction of
5 Ms. Bridgewater for non-payment of rent. Thus, the first requirement under Rule 3-12(a) is
6 met.

7 However, the court finds no likelihood of an “unduly burdensome duplication of labor
8 and expense or conflicting results” if the cases are not assigned to the same judge. The
9 earlier-filed case, C-09-3551 PJH, was filed on August 3, 2009, and asserted 22 causes of
10 action – federal claims (including constitutional claims alleging Fifth and Fourteenth
11 Amendment due process violations, and claims under the Rehabilitation Act of 1974, the
12 Americans With Disabilities Act, the Fair Housing Act), along with numerous state law
13 claims. On November 23, 2009, the court dismissed the federal claims pursuant to 28
14 U.S.C. § 1915(e), and declined to exercise supplemental jurisdiction over the state law
15 claims (but advised plaintiff that she could re-file the state law claims in state court).

16 The second-filed case, C-10-0703 SBA, was filed on February 18, 2010, and asserts
17 two federal claims – a claim under alleging Fifth and Fourteenth Amendment due process
18 violations, and a claim of conspiracy to violate Fifth and Fourteenth Amendment due
19 process rights – plus eleven state law claims that are similar or largely identical to state law
20 claims asserted in C-09-3551 PJH. It appears that in filing C-10-0704 SBA, plaintiff has
21 attempted to get around the ruling in C-09-3551 PJH that her federal claims were time-
22 barred, by alleging constitutional violations premised on events that occurred within the
23 limitations period.

24 Nevertheless, because the court did not consider the merits of any of the claims
25 alleged in C-09-3551 PJH, beyond determining under 28 U.S.C. § 1915 that the plaintiff
26 had failed to state a claim as to the federal causes of action (or that the court lacked
27 jurisdiction over certain federal claims), the court finds that there is no likelihood of
28 duplication of labor and expense, and no likelihood of conflicting results if the cases are not

1 related and assigned to the same judge.

2 Accordingly, the court finds that the two cases are NOT RELATED.

3

4 **IT IS SO ORDERED.**

5 Dated: March 3, 2010

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28



PHYLLIS J. HAMILTON
United States District Judge