

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

LEONARD FYOCK, SCOTT
HOCHSTETLER, WILLIAM DOUGLAS,
DAVID PEARSON, BRAD SEIFERS, AND
ROD SWANSON,

Plaintiffs,

v.

THE CITY OF SUNNYVALE, THE
MAYOR OF SUNNYVALE,
ANTHONY SPITALERI in his official
capacity, THE CHIEF OF THE
SUNNYVALE DEPARTMENT OF
PUBLIC SAFETY, FRANK GRGURINA,
in his official capacity, and DOES 1-10,

Defendant(s).

Case No. C-13-5807-RMW

**ORDER DENYING MOTION TO
RELATE**

[Re: Docket No. 9]

On December 30, 2013, the defendants in *Leonard Fyock, et al. v. The City of Sunnyvale, et al.*, No. 5:13-cv-05807 RMW, now pending before the undersigned, filed an Administrative Motion in the case of *San Francisco Veteran Police Officers Association, et al., v. City and County of San Francisco, et al.* No. 3:13-cv-05351-WHA to consider whether the two cases should be related. On January 3, 2014 Judge William Alsup denied the motion on the basis that the two cases are not related as that term is defined pursuant to Civil Local Rule 3-12(a). No. 3:13-cv-05351-WHA, Dkt. No. 29.

1 The defendants in *Fyock* previously filed on December 23, 2013 an administrative motion in
2 *Fyock* asking this court to consider whether the two cases should be related. The issue of whether
3 the cases should be related is now moot since Judge Alsup has already ruled on the issue. Further,
4 the motion was improperly filed in this court because motions to relate are to be filed in the earlier
5 filed action. Civil Local Rule 3-12(b).

6 For the reasons stated above, the motion filed in this court to consider whether the actions
7 5:13-cv-05807 and 3:13-cv-05351 is denied as moot and because it was filed in the wrong court.

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9 Dated: January 7, 2014


RONALD M. WHYTE
United States District Judge

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United States District Court
For the Northern District of California