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ARGUMENT

This Court should reconsider its Order Re Transfer Pursuant to General Order 19-03 (“Order”), ECF No. 20, because the instant case is not related to *Torres v. DHS*, 5:18-CV-02604 JGB(SHKx), and Defendants never had an opportunity to respond to Plaintiffs’ Notice of Related Cases,

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1 administrative segregation, and issues related to detainees with disabilities under
2 the Rehabilitation Act. Such claims involve different legal standards and analysis
3 and lack factual overlap. The many differences between the present case and
4 *Torres* also support Defendants’ position in other pending motions before this
5 Court that Plaintiffs’ claims should be severed, dismissed or transferred, or
6 stricken.

7 Contrary to Plaintiffs’ contention, Defendants do not argue that “two cases
8 must be the same in each and every possible way” for them to be related cases
9 under the Local Rules. Pls.’ Opp. to Defs.’ Mot. to Reconsider (“Pls. Opp.”) 4,
10 ECF No. 70. But the cases must still satisfy the standard for relating cases under
11 Local Rule 83-1.3, and Plaintiffs have not demonstrated that the standard is met in
12 this case. Further, Plaintiffs’ argument that having the two cases heard by different
13 judges would result in duplication of labor is unconvincing. Plaintiffs contend that
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1 Plaintiffs' cases cited in support of their argument that Defendants' Motion
2 to Reconsider is untimely are inapposite. In *Selectron Indus. Co., Inc. v. Selectron*
3 *Int'l.*, the court denied a motion to reconsider the denial of a motion to enforce a
4 settlement agreement after a four month delay during which the parties took part in
5 arbitration and the movant changed its position on settlement based upon the
6 subsequent arbitration. *See* No. CV 04-4146-PLA, 2007 WL 5193735, *3 (C.D.
7 Cal. Sept. 25, 2007). In *Mattel, Inc. v. MGA Entm't, Inc.*, the defendant waited two
8 months before requesting reconsideration of a court order, and the court found the
9 request untimely. *See* 782 F. Supp. 2d 911, 960 (C.D. Cal. 2011). In *Mattel*, the
10 court order came after "extensive briefing and oral argument" such that defendant
11 had already been heard on the issues and no new facts or changes in law had
12 occurred in the two-month interim. *Id.* Further, in *Honeywell Int'l., Inc. v. W.*
13 *Support Grp.*, the court denied a motion to reconsider the denial of a second
14 summary judgment motion where defendants were not given an opportunity to file
15 a reply before the court's denial. *See* No. CV 12-00645-PHX-JAT, 2013 WL
16 2369919, *3 (D. Ariz. May 29, 2013).

18 In each of those cases, the litigation was well underway and the party
19 requesting reconsideration had previously been heard on the relevant issues. Here,
20 not only were Defendants never heard on the Notice of Related Case Order,
21 Defendants had not even been served with the Complaint before the Court entered
22 its order transferring this case. *See* ECF No. 37. Moreover, Defendants' request for
23 reconsideration comes at the earliest stages of this litigation where the parties have
24 not yet been heard on Defendants' response to Plaintiffs' Complaint. All of these
25 factors weigh in favor of granting the instant Motion. Accordingly, the Court
26 should find that *Torres* is not related to the present case and grant Defendants'
27 Motion to Reconsider.
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Dated: February 10, 2020

Respectfully submitted,

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