

PROPOSED TENTATIVE

Defendant Southern California Gas Company, a party in Case No. 24CV05549, assigned to this court, and Case No. 24CV07094, assigned to Judge Beebe, has filed a motion to consolidate the two matters pursuant to Code of Civil Procedure section 1048. Both cases involve damages from the same explosion that occurred on August 23, 2023. All defendants are the same in both matters. Neither party has filed a “Notice of Related Case” pursuant to California Rules of Court, rule 3.300.

Defendant’s motion to consolidate is premature. California Rules of Court, rule 3.300(h)(1)(A) provides that if “the related cases have been filed in one superior court, the court, on notice to all parties, may order that the cases . . . , be related and may assign them to a single judge, or department.” California Rules of Court, rule 3.300(h)(1)(E), makes it clear that “[i]f the procedures for relating cases under this rule do not apply, the procedures under Code of Civil Procedure section 1048 and rule 3.350 must be followed to consolidate cases pending in the same superior court.” (Italics added.) Here, the procedures for relating cases apply, because the two cases are not pending before the same superior court judge in the same court. Any other interpretation would render California Rules of Court, rule 3.300(h)(1)(A) superfluous, as the rule contemplates that “the judge who has the earliest filed case must determine whether the cases must be related and assigned to his or her department.” That procedure must be pursued as a condition predicate to any motion to consolidate both actions.

The court directs defendant to file a “Notice of Related Case” in both actions, as required by the provisions discussed above. This court has the earliest filed case, meaning it will make that determination. The parties will have the opportunity pursuant to 3.300(g) to oppose the related-case designation if desired. If the court determines the two cases are related, it will then transfer Case No. 24CV07094 to this court. If this is done, defendant can then advance a motion to consolidate both actions.

The court directs the parties to appear at the hearing on May 28, 2025, to discuss whether the best course of action, following the need for a related-case determination, is to either deny the motion to consolidate without prejudice (the easiest course of action for all concerned), or instead to continue the motion to a future date. If defendant wishes to continue the motion to a future date (rather than filing the motion anew), it will have to give notice to all parties of the new hearing date and must come prepared with dates establishing a new briefing schedule for opposition and reply, taking into account traditional time frames for law and motion matters.