United States District Court
Northern District of California

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

QUALCOMM INCORPORATED,

Defendant.

Case No. 17-CV-00220-LHK

ORDER RELATING CASES

Re: Dkt. Nos. 14, 18, 32, 35

On January 23, 2017, plaintiffs in the case of *Bornstein, et al. v. Qualcomm Inc.*, Case No. 17-CV-234-NC (the "*Bornstein* Action") filed in this action an Administrative Motion to Relate. ECF No. 14. Specifically, the *Bornstein* plaintiffs requested that this Court relate the *Bornstein* action, which was filed on January 18, 2017, to this case, *Federal Trade Commission v. Qualcomm Inc.*, Case No. 17-CV-00220-LHK (the "*FTC* Action"), which was filed on January 17, 2017. Further, the *Bornstein* plaintiffs requested that this Court relate the case *Stromberg, et al. v. Qualcomm Inc.*, Case No. 17-CV-304-NC (the "*Stromberg* Action"), which was filed on January 20, 2017.

On January 25, 2017, the *Bornstein* plaintiffs filed in this action a Second Administrative Motion to Relate, requesting that this Court also relate the case *McMahon v. Qualcomm Inc.*, Case

No. 17-CV-372-HRL (the "*McMahon* Action"), which was filed on January 24, 2017, to this case. *See* ECF No. 18.

On January 26, 2017, Boardsports School LLC ("Boardsports"), plaintiff in the case of *Boardsports School LLC v. Qualcomm Inc.*, Case No. 17-CV-00398-HRL (the "*Boardsports* Action"), filed in this action an Administrative Motion to Relate. ECF No. 32. Specifically, Boardsports requested that this Court relate the *Boardsports* Action, which was filed on January 25, 2017, to (1) this case; (2) the *Bornstein* Action; (3) the *Stromberg* Action; and (4) the *McMahon* Action. *Id.* at 2. On January 27, 2017, plaintiffs in the *Bornstein* Action filed a notice of joinder in Boardsport's Administrative Motion to Relate.

On January 27, 2017, Plaintiffs in the case *Benad, et al. v. Qualcomm Inc.*, 17-CV-00440-LHK (the "*Benad* Action"), filed in this action an Administrative Motion to Relate. ECF No. 35. The *Benad* plaintiffs requested that this Court relate the *Benad* Action, which was filed on January 27, 2017, to (1) this case; (2) the *Bornstein* Action; (3) the *Stromberg* Action; (4) the *McMahon* Action; and (5) the *Boardsports* Action. *See id.* at 2.

The Court finds that these actions "concern substantially the same parties, property, transaction or event" and it is "likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges." Civil L.R. 3-12(a).

The *FTC* Action is the first-filed case and thus has the lowest case number. Under Civil L.R. 3-12(f)(3), "[i]f any Judge decides that any of the cases are related, . . . the Clerk shall reassign all higher-numbered cases to that Judge." Accordingly, the Clerk shall relate the later-filed cases, *Bornstein, et al. v. Qualcomm Inc.*, Case No. 17-CV-234-NC; *Stromberg, et al. v. Qualcomm Inc.*, Case No. 17-CV-304-NC; *McMahon v. Qualcomm Inc.*, 17-CV-00372-HRL; *Boardsports School LLC v. Qualcomm Inc.*, 17-CV-00398-HRL; and *Benad, et al. v. Qualcomm Inc.*, Case No. 17-CV-440-LHK; to the first filed case, *FTC v. Qualcomm Inc.*, Case No. 17-CV-00220-LHK.

IT IS SO ORDERED.

Dated: February 1, 2017

Lucy H. Koh

LUCY H. KOH
United States District Judge