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 (AMENDED) RELATING CASES**

Re: Dkt. Nos 49, 50, 51

On February 16, 2017, plaintiff in the case of *Bornstein et al v. Qualcomm Inc.*, Case No. 17-CV-234-LHK ("the *Bornstein* Action"), filed in the instant case, *FTC v. Qualcomm, Inc.*, Case No. 17-CV-00220-LHK ("the *FTC* Action"), an administrative motion to relate cases. ECF No. 49. On February 17, 2017, plaintiffs in the case of *Tada et al. v. Qualcomm Inc.*, Case No. 17-CV-00762-HRL ("the *Tada* Action"), filed in the *FTC* Action an administrative motion to relate cases. ECF No. 50. On February 23, 2017, plaintiffs in the *Bornstein* Action filed in the *FTC* Action an additional administrative motion to relate cases. ECF No. 51 (collectively, the "Motions to Consolidate")

To date, the Court has related the following cases to the *FTC* Action: (1) the *Bornstein* Action; (2) *Stromberg et al. v. Qualcomm, Inc.*, Case No. 17-CV-304-LHK; (3) *McMahon v.*

*Qualcomm, Inc.*, Case No. 17-CV-304-LHK; (4) *Boardsports School, Inc. v. Qualcomm, Inc.*, Case No. 17-CV-398-LHK; (5) *Benad et al. v. Qualcomm Inc.*, Case No. 17-CV-440; (6) *Key v. Qualcomm, Inc.*, Case No. 17-CV-442; (7) *Ewald et al. v. Qualcomm, Inc.*, Case No. 17-CV-565; (8) *Esteban v. Qualcomm, Inc.*, Case No. 17-CV-622; (9) *Davis et al. v. Qualcomm, Inc.*, Case No. 17-CV-604 (collectively, "the Related Actions").

The instant Motions to Consolidate seek to consolidate the following actions to the Related Actions: (1) *Housenick et al. v. Qualcomm Inc.*, Case No. 17-CV-675; (2) *Ervin v. Qualcomm, Inc.*, Case No. 17-CV-713; (3) *Carney v. Qualcomm, Inc.*, Case No. 17-CV-743; (4) *Tada et al. v. Qualcomm, Inc.*, Case No. 17-CV-762; (5) *Kiefer et al. v. Qualcomm, Inc.*, Case No. 17-CV-785.

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, *Housenick et al. v. Qualcomm Inc.*, Case No. 17-CV-675; *Ervin v. Qualcomm, Inc.*, Case No. 17-CV-713; *Carney v. Qualcomm, Inc.*, Case No. 17-CV-743; *Tada et al. v. Qualcomm, Inc.*, Case No. 17-CV-762; and *Kiefer et al. v. Qualcomm, Inc.*, Case No. 17-CV-785; to the first filed case, *FTC v. Qualcomm Inc.*, Case No. 17-CV-00220-LHK.

**IT IS SO ORDERED.**

Dated: February 28, 2017

Lucy H. Koh

LUCY H. KOH
United States District Judge