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8 UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
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10 GOLDEN STATE SALMON ASSOCIATION;
11 PACIFIC COAST FEDERATION OF
FISHERMEN’S ASSOCIATIONS; INSTITUTE
12 FOR FISHERIES RESOURCES; FRIENDS OF
THE RIVER; and SIERRA CLUB

13 Plaintiffs,

14 v.

15 UNITED STATES BUREAU OF
16 RECLAMATION,

17 Defendant.
18

Case No. 4:19-cv-08319-JST

**PLAINTIFFS’ ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
CASES SHOULD BE RELATED
PURSUANT TO CIVIL LOCAL
RULE 3-12**

19
20 Pursuant to Civil Local Rules 3-12 and 7-11, Plaintiffs Golden State Salmon Association,
21 Pacific Coast Federation of Fishermen’s Associations, Institute for Fisheries Resources, Friends of
22 the River, and Sierra Club (“Plaintiffs”) respectfully submit this administrative motion to consider
23 whether the following two actions should be related:

- 24 • *Golden State Salmon Ass’n v. U.S. Bureau of Reclamation*, No. 4:19-cv-08319-JST
25 (filed Dec. 20, 2019)
26 • *Golden State Salmon Ass’n v. U.S. Bureau of Reclamation*, No. 3:20-cv-02016 (filed
27 Mar. 23, 2020)
28

1 In these two actions against defendant United States Bureau of Reclamation (“Reclamation”),
2 Plaintiffs seek records under the Freedom of Information Act (“FOIA”) related to Reclamation’s
3 proposed raising of the height of Shasta Dam in northern California. Plaintiffs allege that
4 Reclamation violated FOIA by failing to comply with the applicable statutory deadlines and by
5 failing to comply with the statute’s substantive provisions.

6 Under Civil Local Rule 3-12(a), “[a]n action is related to another when: (1) [t]he actions
7 concern substantially the same parties, property, transaction or event; and (2) [i]t appears likely that
8 there will be an unduly burdensome duplication of labor and expense or conflicting results if the
9 cases are conducted before different Judges.” A party that knows or learns that an action may be
10 related to another action pending in this District “must promptly file in the lowest-numbered case an
11 Administrative Motion to Consider Whether Cases Should be Related, pursuant to Civil L.R. 7-11.”
12 Civil L.R. 3-12(b). That motion must include “(1) [t]he title and case number of each apparently
13 related case; [and] (2) [a] brief statement of the relationship of the actions according to the criteria
14 set forth in Civil L.R. 3-12(a).” Civil L.R. 3-12(d).

15 Here, both of the cases identified above concern the same plaintiffs, the same defendant, and
16 the same underlying violations of law: namely, failure to comply with FOIA. Moreover, both cases
17 concern FOIA requests that seek the same categories of public records from Reclamation.
18 Specifically, the first action (No. 4:19-cv-08319-JST) involves three FOIA requests filed in April
19 and June of 2019, that seek records related to cost-sharing, dam safety, and Endangered Species Act
20 (“ESA”) and National Environmental Policy Act (“NEPA”) information dating from August 2018
21 through the date of Reclamation’s response. The second action (No. 3:20-cv-02016) involves two
22 FOIA requests submitted in January and February 2020 seeking the same categories of cost-sharing
23 and dam safety records as the analogous requests in the first action, but specifying a new time period
24 for the responsive records from June of 2019 through the date of receipt of the request. Plaintiffs
25 also submitted a FOIA request in February 2020 seeking records related to ESA and NEPA
26 information dating from June of 2019 through the date of receipt of the request, and Reclamation has
27 estimated an April 2, 2020 date of completion for that request.

1 Because these cases concern the same parties, involve FOIA requests seeking the same
2 categories of public records, and invoke the same underlying legal violations of FOIA, it would be
3 unduly burdensome to conduct these two FOIA cases before separate judges within the Northern
4 District of California. Separate litigation could lead to duplication of labor and expense by the
5 parties and the court because the cases concern virtually the same law and facts. It could also
6 generate conflicting results if one court finds FOIA violations and orders production of records in a
7 way that conflicts with the other court’s findings and orders with respect to Reclamation’s actions.
8 It is common practice within this district to relate cases concerning similar FOIA requests. *See, e.g.,*
9 *Our Children’s Earth Found. v. Nat’l Marine Fisheries Serv.*, No. 14-1130 SC, 2015 WL 4452136,
10 at *12 (N.D. Cal. July 20, 2015) (granting motion to relate two separate lawsuits where “the purpose
11 of the FOIA requests by Plaintiffs is aimed at the same ends”).

12 Plaintiffs therefore respectfully request that this Court enter an order relating Case No. 4:19-
13 cv-08319-JST and No. 3:20-cv-02016 and reassigning No. 3:20-cv-02016 to this Court.

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16 Dated: March 24, 2020

Respectfully submitted,

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