

**DEPARTMENT EIGHT - JUDGE WENDY GETTY
TENTATIVE RULINGS SCHEDULED FOR
WEDNESDAY, DECEMBER 8, 2010**

CAPECE, et al v. CLIPPER BAY LIMITED, et al.
Case No. FCS034784 (“Capece”)

SPILLANE v. CLIPPER BAY LIMITED, et al.
Case No. FCS036068 (“Spillane”)

SWEENEY v. CLIPPER BAY LIMITED, et al
Case No. FCS036138 (“Sweeney”)

Motion to Consolidate Related Actions

TENTATIVE RULING

The motion to consolidate filed by plaintiffs is granted. The motion to consolidate is unopposed. The court finds that these two actions involve common issues of law and fact in each action, and that consolidation will promote judicial economy and will not result in prejudice to any party in the actions. Therefore, the two actions are consolidated for all purposes.

James Spillane, the plaintiff in Spillane v. Clipper Bay Limited, et al., Solano County Superior Court Case No. FCS036068, filed a joinder in the motion to consolidate the Capece and Sweeney actions. In this joinder, Spillane states that he is seeking the “same relief,” and he indicates that he believes this relief is consolidation of the Spillane action as well as consolidation of the Capece action and the Sweeney action. It appears from the complaint filed in the Spillane action that it involves the same common questions of law and fact that are shared by the Capece and Sweeney actions. This joinder is additionally unopposed. Therefore, consolidation of all three cases is ordered.

All pleadings shall hereafter be filed with the caption and case number of the Capece action, Solano County Superior Court Case No. FCS034784, followed by the case numbers of the Sweeney case and the Spillane case, pursuant to Rule 3.350(d) of the California Rules of Court.