

2000 WL 1030623

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United States District Court, S.D. New York.

LATINO OFFICERS ASSOCIATION CITY OF
NEW YORK, INC., et al., Plaintiffs,
v.
THE CITY OF NEW YORK, et al., Defendants.

No. 99 CIV 9568 LAK. | July 26, 2000.

Opinion

ORDER

KAPLAN, District J.

*1 Defendants in this action have filed a motion, captioned both in this action and in *Guardians Ass'n v. City of New York*, 99 Civ. 4960(MGC), to transfer this action, pursuant to Rule 15(a) of the Rules for the Division of Business Among District Judges, to Judge Cederbaum or to transfer *Guardians* to the undersigned

and to consolidate the two actions pursuant to Fed.R.Civ.P. 42. The Court has discussed the motion with counsel at a Rule 16 conference.

The Rules for the Division of Business Among District Judges expressly provide that they “shall not be deemed to vest any rights in litigants or their attorneys ...” Accordingly, insofar as defendants seek reassignment of one or the other of these cases pursuant to those Rules, the motion is without basis. The judges involved previously have considered the matter and concluded that such reassignment is inappropriate, and the undersigned declines to revisit that question.

As far as Rule 42 is concerned, it seems reasonably clear that there are some common issues in the two cases. But the Court is unpersuaded that the common issues are sufficiently pervasive to warrant consolidation. Accordingly, insofar as the motion is made in this case, it is denied. Judge Cederbaum of course remains entirely free to take such action as she thinks appropriate with respect to the motion in the *Guardians* case.

SO ORDERED.