

**UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA**

Brendaz Ta, et al. v. Merck and Co., Inc., et al.

Ta v. Merck · No. 8:22-cv-00825-DMG-MAA · Decided March 6, 2023

SUMMARY

The United States District Court for the Central District of California ordered the plaintiffs to show cause why their action should not be severed into separate suits on behalf of Brendaz Ta and Dockery. The court cited Federal Rule of Civil Procedure 21 and directed plaintiffs and defendants to file responses by March 20 and March 27, 2023, respectively.

OPINION

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UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA CIVIL
MINUTES—GENERAL Case No. SA CV 22-825-DMG (MAAx) Date March 6, 2023 Title
Brendaz Ta, et al. v. Merck and Co., Inc., et al. Page 1 of 1 Present: The Honorable DOLLY M.
GEE, UNITED STATES DISTRICT JUDGE KANE TIEN NOT REPORTED Deputy Clerk Court
Reporter Attorneys Present for Plaintiff(s) Attorneys Present for Defendant(s) None Present None
Present Proceedings: IN CHAMBERS—ORDER TO SHOW CAUSE WHY THE COURT
SHOULD NOT SEVER PLAINTIFFS’ CLAIMS On February 13, 2023, the Court issued an
Order granting Defendants’ Motion to Sever in the Related Case Haddad, et al. v. Merck and Co.,
Inc., et al., No. CV 22-2151-DMG (MAAx) (“Haddad”).

[Doc. # 63.] Originally, Defendants had filed a similar motion in this case, but the Court denied it without prejudice as moot after Plaintiffs filed a First Amended Complaint. [Doc. # 35.] Given that the Court may, on its own motion “sever any claim against a party,” Plaintiffs are hereby ORDERED TO SHOW CAUSE why the Court should not sever this action into two suits on behalf of Ta and Dockery separately, as it did in Haddad.

See Fed. R. Civ. P. 21; see also *Herklotz v. Parkinson*, 848 F.3d 894, 898 (9th Cir. 2017); *Gaffney v. Riverboat Servs. of Indiana, Inc.*, 451 F.3d 424, 442 (7th Cir. 2006) (“a district court may sever claims under Rule 21, creating two separate proceedings, so long as the two claims are ‘discrete and separate.’”). Plaintiffs shall respond to the OSC no later than March 20, 2023.

Defendants shall file a response, if any, by March 27, 2023. Neither of these filings shall exceed 5 pages. Thereafter, the matter will stand submitted. IT IS SO ORDERED. CV-90 CIVIL MINUTES—GENERAL Initials of Deputy Clerk KT

