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.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Dolly M. Gee
JURISDICTION	United States District Court for the Central District of California
DECIDED	March 6, 2023
DOCKET	8:22-cv-00825-DMG-MAA
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued an order to show cause why the plaintiffs' claims should not be severed into separate actions.
PRECEDENTIAL VALUE	unpublished

TOPICS

joinder civil procedure

PRACTICE AREAS

Civil procedure

QUESTIONS PRESENTED

1. Whether the court should order plaintiffs to show cause why the claims of Ta and Dockery should not be severed into two separate actions under Federal Rule of Civil Procedure 21.

HOLDINGS

1. Under Federal Rule of Civil Procedure 21, the court may, on its own motion, sever a claim against a party and require the parties to show cause why separate proceedings should not be created.

KEY QUOTATIONS

> *"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."* (Page 1)

> *"a district court may sever claims under Rule 21, creating two separate proceedings, so long as the two claims are 'discrete and separate.'"* (Page 1)

FACTUAL BACKGROUND

The action involves plaintiffs Brendaz Ta and Dockery suing Merck and Co., Inc., and other defendants. The defendants previously sought severance, but that motion became moot after plaintiffs filed a First Amended Complaint. The court considered whether the claims should be divided into separate suits on behalf of Ta and Dockery.

PROCEDURAL HISTORY

Defendants previously filed a motion to sever in this action, but the court denied it without prejudice as moot after plaintiffs filed a First Amended Complaint. In a related case, Haddad v. Merck and Co., Inc., the court granted defendants' motion to sever. The court then ordered the plaintiffs in this action to show cause why the claims of Ta and Dockery should not likewise be severed.

DISPOSITION

other

CASES CITED

- Haddad, et al. v. Merck and Co., Inc., et al., No. CV 22-2151-DMG (MAAx)
- 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)