

Coordination

Petition Requests Consolidation of California Welding Rod Lawsuits

SAN FRANCISCO – Citing identical parties, factual and legal issues, convenience of the parties and the infancy of the lawsuits, a petition filed May 11 requests the coordination of four welding rod lawsuits filed in three California counties.

King, et al. v. BOC Group, et al., No. 429012 (Calif. Super. Ct., San Francisco Cty.).

Filed by plaintiffs in a pending San Francisco Superior Court lawsuit, the petition states that the toxic tort actions require specialized management and will require extensive pre-trial activity. The petition also states that the cases are expected to generate significant documentary evidence and witness involvement, all of which justify coordination.

On June 7, the Alameda County Superior Court issued an order assigning the matter to a coordination judge for determination on the motion.

The petition seeks coordination of *Janke, et al. v. BOC Group, et al.*, No. RG04-143283 (Calif. Super. Ct., Alameda Cty.); *Cogburn, et al., BOC Group, et al.*, No. BC311976 (Calif. Super. Ct., Los Angeles Cty.); *Tittle, et al., v. BOC Group, et al.*, No. RG04154185 (Calif. Super. Ct., Alameda Cty.); and *King, et al., v. BOC Group, et al.*, No. 04-429012 (Calif. Super. Ct., San Francisco Cty.).

However, *Cogburn* was removed to the U.S. District Court for the Central District of California on May 7. A motion to remand the case to the Los Angeles Superior Court was filed May 19 and is currently pending.

The petition also recommends that the San Francisco County Superior Court be the venue in which the cases are heard, because it is the court in which the earliest complaint was filed.

‘These four cases involve virtually the same named parties, contain the same factual allegations, assert the same alleged damages and pray for the same claims of relief,’ the petition states. ‘The four claims, other than the locations of exposure and the degree of damages, are all but indistinguishable. These cases are particularly suited for coordination. Moreover, it is anticipated that additional welding fume cases will be filed in California.’

The plaintiffs filing the petition also note in arguing for coordination that settlement would be less likely if the actions were conducted in different courts in California.

Counsel for the plaintiffs are Dean A. Hanley, Philip A. Harley and Kelly A. McMeekin of Paul, Hanley & Harley in Berkeley, Calif.

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