THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STATE OF WASHINGTON, *et al.*, Plaintiffs, v. DONALD TRUMP, *et al.*, Defendants.	CASE NO. C25-0127-JCC CONSOLIDATION ORDER
DELMY FRANCO ALEMAN, *et al.*, Plaintiffs, v. DONALD TRUMP, *et al.*, Defendants.	CASE NO. C25-0163-JCC

This matter comes before the Court *sua sponte*. On January 20, 2025, President Trump issued an executive order entitled "Protecting the Meaning and Value of American Citizensip." *See* C25-0127-JCC, Dkt. No. 43 at 1. It directs agencies not to recognize the U.S. citizenship rights of certain children born within the United States "30 days from the date of this order."

C25-0127-JCC, Dkt. No. 1 at 36.

Shortly thereafter, the states of Washington, Oregon, Arizona, and Illinois ("Plaintiff States") filed suit in this Court, seeking to enjoin enforcement of the President's order. *See generally id.* The Court issued a temporary restraining order enjoining implementation and enforcement of President Trump's order and set a preliminary injunction hearing for February 6, 2025. *See* C25-0127-JCC, Dkt. Nos. 43, 44. The following day, Delmy Franco Aleman, Cherly Norales Castillo, Alicia Chavarria Lopez[1] ("Individual Plaintiffs") filed suit seeking similar relief as the Plaintiff States. *See* C25-0163-JCC, Dkt. No. 1. The Individual Plaintiffs also filed notice pursuant to LCR 3(g) of a related case—case number C25-0127-JCC. *See* C25-0163-JCC, Dkt. No. 2. As indicated in the notice, both cases "present the same questions regarding the constitutionality and legality of President Trump's Executive Order." *Id.* at 2.

If multiple actions before the Court involve a common question of law or fact, the Court may consolidate the actions. Fed. R. Civ. P. 42(a)(2). The Court has substantial discretion in determining whether to do so. *See Inv'rs Research Co. v. U.S. Dist. Court for Cent. Dist. of Cal.*, 877 F.2d 777, 777 (9th Cir. 1989). Once a common question of law or fact is identified, the Court considers factors such as the interests of justice, expeditious results, conservation of resources, avoiding inconsistent results, and the potential of prejudice. *See* Wright & Miller, 9A Fed. Prac. & Proc. Civ. § 2383 (3d ed.).

Here, both suits are brought against, ostensibly, the same defendants. *Compare* C25-0127-JCC, Dkt. No. 1, *with* C25-0163-JCC, Dkt. No. 1. And while the plaintiffs and their interests vary, the relief they seek turn on the same core legal issue: the constitutionality and legality of President Trump's order. *Id.* Therefore, to ensure consistent results, conserve resources, and avoid prejudice, the Court FINDS consolidation warranted in this instance. Accordingly, it ORDERS that the following cases be consolidated: C25-0127-JCC and C25-

[1] All of whom are pregnant noncitizens living in the United States with due dates more than 30 days following President Trump's order. *See* C25-0163-JCC, Dkt. No. 1 at 13–15.

0163-JCC. All future filings shall bear the caption and case number of the case first filed in this district, *State of Washington, et al., v. Donald Trump, et al.*, C25-0127-JCC. The remaining case, C25-0163-JCC, shall be CLOSED, and any case management deadlines set in that case shall be VACATED.

In light of the temporary relief already provided to the Plaintiff States, *see* C25-0127-JCC, Dkt. No. 43, and the pendency of a preliminary injunction hearing, scheduled for February 6, 2025, *see* C25-0127-JCC, Dkt. No. 44, the Court sets the following supplemental deadlines:

- The Individual Plaintiffs may supplement the Plaintiff States' anticipated motion for a preliminary injunction, no later than January 29, 2025.
- The Individual Plaintiffs may file a supplemental reply to the Government's anticipated response (due January 31, 2025) on or before February 4, 2025.
- The Individual Plaintiffs shall appear at the preliminary injunction hearing set for 10:00 a.m. on February 6, 2025.
- The Plaintiff States **and** the Individual Plaintiffs are ORDERED to file a consolidated complaint no later than February 10, 2025.

DATED this 27th day of January 2025.

John C. Coughenour
UNITED STATES DISTRICT JUDGE