

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL ANGELO MORALES, et al.,  
Plaintiffs,

v.

SCOTT KERNAN, Secretary of the  
California Department of Corrections and  
Rehabilitation, et. al.,  
Defendants.

Case No. 06-cv-0219 RS  
06-cv-0926 RS

DEATH PENALTY CASE

**ORDER GRANTING  
ADMINISTRATIVE MOTION AND  
DENYING MOTION TO RECONSIDER**

Defendants have filed an administrative motion seeking leave to file a motion for reconsideration of the Court’s April 18, 2018 Order relating case no. 18-cv-02146, *Los Angeles Times Communications, LLC v. Kernan*, to the present case. They also have filed a substantive motion to reconsider that Order.

Defendants are correct that time remained for them to oppose the motion to relate the two cases. As such, the administrative motion for leave to file the motion to reconsider is GRANTED.

In their substantive motion for reconsideration, Defendants argue that judicial resources will not be economized by relating the cases and that there is no risk of inconsistent results because *Morales* does not involve a “physical barrier that obstructs the view of the media as to certain activities.” Mot. to Reconsider at 4. This position oversimplifies the issues in *Morales*.

This Court previously has noted the problematic nature of the death chamber at San Quentin State Prison, including the fact even lethal injection team members are unable to view adequately the administration of intravenous drugs. *See Morales v. Tilton*, 465 F.Supp.2d 972, 980 (N.D. Cal. 2006). Thus, both *Morales* and *LA Times* concern the same defendants and include issues regarding the structural design of the San Quentin death chamber. Additionally, both obviously address what happens at the time of an execution.

Requiring another judge to become educated on the specific architecture of the death chamber and to address concerns about the administration of the death penalty while *Morales* remains active would result in an “unduly burdensome duplication of labor” and expense. Civil

United States District Court  
Northern District of California

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1 Local Rule 3-12. Accordingly, the motion for reconsideration is DENIED.

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3 **IT IS SO ORDERED.**

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5 Dated: April 20, 2018



6 RICHARD SEEBORG  
7 United States District Judge

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