IN THE SUPERIOR COURT OF THE STATE OF DELAWARE IN RE: ASBESTOS LITIGATION

LIMITED TO:		
Craig Cantarano Donald Gladu		

C.A. No. N15C-10-030 ASB C.A. No. N15C-09-093 ASB

ORDER

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August 29, 2017

Plaintiffs, Craig Cantarano and Donald Gladu filed a Motion to Consolidate Cases scheduled for trial in September 2017. Plaintiffs claim that consolidation is appropriate because Defendant, Georgia Pacific, is the only defendant left in the case, and the Plaintiffs share the same causation expert. Superior Court Civil Rule 42 provides that "[w]hen actions involving a common question of law or fact are pending before the Court, it may order a joint hearing or trial of any or all the matters in issue in the actions."¹ As it is at the discretion of the Court, the Court finds that consolidation of these cases is not appropriate. Consolidation would require the jury to apply different substantive law to each Plaintiff, which creates a risk of juror

¹ Super. Ct. Civ. R. 42.

confusion. More importantly, there is no significant nexus between the two cases. There is different product exposure, different State substantive law, and different fact and expert witnesses. Accordingly, Plaintiffs' Motion to Consolidate these cases for trial is hereby **DENIED**.

IT IS SO ORDERED.

/s/ Calvin L. Scott

The Honorable Calvin L. Scott, Jr.