

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**PENNSYLVANIA NATIONAL MUTUAL)
CASUALTY INSURANCE COMPANY,)
)
Plaintiff,)**

vs.)

CIVIL ACTION NO. 08-0704-CG-N

**STRUCTURAL MASONRY, INC.,)
THE MOBILE PRESS REGISTER, INC.,)
and THE AUSTIN COMPANY, INC.,)
)
Defendants.)**

and

**AMERISURE INSURANCE COMPANY,)
)
Plaintiff)**

vs.)

CIVIL ACTION NO. 09-0432-WS-M

**STRUCTURAL MASONRY, INC.,)
THE MOBILE PRESS REGISTER, INC.,)
and THE AUSTIN COMPANY, INC.,)
)
Defendants.)**

ORDER

This matter is before the court on the Motion to Consolidate filed on March 2, 2007 (Doc. August 26, 2009 (Doc. 58), in which Structural Masonry, Inc. moves for consolidation of the above-styled actions.

The Federal Rules of Civil Procedure provide: "When 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; it may order all actions consolidated; and it may make such

orders concerning proceedings therein as may tend to avoid unnecessary costs or delay."

FED.R.CIV.P. 42(a).

Both cases present common issues of law and fact. Neither the co-defendants nor the plaintiffs in either case have voice objections to consolidation.

It is hereby **ORDERED** that:

1. Civil Action No. 08-0704-CG-N and Civil Action No. 09-0432-WS-M should be and hereby are **CONSOLIDATED**. Such consolidation shall not preclude entry of a new scheduling order in the consolidated matter.

2. The clerk of the court is hereby **DIRECTED** to extract documents 1 through 32 from Civil Action No. 09-0432-WS-M and make those documents a part of Civil Action No. 08-0704-CG-N.

3. The court finds that no present reason exists to maintain Civil Action No. 09-0432-WS-M as an open file. Therefore, the clerk is **DIRECTED** to submit a form JS-6 to the Administrative Office which indicates that such file is statistically closed and thus removed from the pending docket of this court. The clerk shall thereafter maintain Civil Action No. 09-0432-WS-M as a closed file.

This matter is referred to Magistrate Nelson for entry of an amended scheduling order.

DONE and ORDERED this the 28th day of September, 2009.

/s/ Callie V. S. Granade
CHIEF UNITED STATES DISTRICT JUDGE