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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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|----------------------------|---|-------------------------|
| John Desch, |) | No. CV 12-02504-PHX-FJM |
| |) | |
| Plaintiff, |) | ORDER |
| |) | |
| vs. |) | |
| |) | |
| |) | |
| Allegiant Air LLC, et al., |) | |
| |) | |
| Defendants. |) | |
| |) | |
| |) | |
| |) | |

The court has before it defendant Allegiant Air, LLC’s motion to consolidate (doc. 3) this case with two cases that have already been consolidated and assigned to United States Magistrate Judge Logan. See Dent v. Allegiant Air, No. CV-12-8144-PCT-SPL, and Lizzerini v. Allegiant Air, No. CV-12-1738-PHX-SPL. No opposition to the motion was filed.

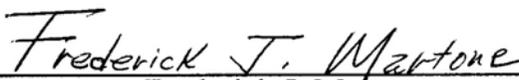
Under LRCiv 42.1, a party may file a motion to transfer a case to a single judge whenever two or more cases are pending before different judges that (1) arise from substantially the same transaction or event, (2) involve substantially the same parties or property, (3) call for a determination of substantially the same questions of law, or (4) for any other reason would entail substantial duplication of labor if heard by different judges.

Generally the “motion shall be filed in the case with the lowest case number assigned to a District Judge who shall hear and decide the motion.” Id. Here, although we have the higher case number, the other two already-consolidated cases are assigned to Magistrate Judge Logan. Therefore, under the rules we are charged with deciding the motion to consolidate.

1 Each of the three cases arises from injuries sustained by plaintiffs who were forced
2 to evacuate Allegiant Airlines flight 645 by way of an emergency slide. Each of the cases
3 arises from the same event, involves substantially the same defendants and calls for a
4 determination of substantially the same questions of law, namely Allegiant's alleged
5 negligence in evacuating its passengers. Consolidation of the cases would significantly
6 reduce a duplication of labor. Therefore, consolidation of this case with Dent and Lazzerini
7 is appropriate. However, under Fed. R. Civ. P. 73(a), each party to an action must consent
8 to the jurisdiction of the magistrate judge.

9 Therefore, **IT IS ORDERED CONDITIONALLY GRANTING** Allegiant Air's
10 motion for consolidation (doc. 3) pending consent by all the parties. In the event that we do
11 not receive written consent from all parties to the jurisdiction of a magistrate judge within
12 14 days from the entry of this order, this order granting consolidation will be vacated and this
13 case will not be consolidated.

14 DATED this 7th day of January, 2013.

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16 _____
17 Frederick J. Martone
18 United States District Judge

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20 (cc: Judge Logan)
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