

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

JMAR EXPRESS, INC.
CHRISCAT LEASING, INC.

PLAINTIFFS

VS.

NO. 4:10-CV-01231-BRW

PETERBILT OF MEMPHIS, INC., PACCAR INC.,
CATERPILLAR INC., & CUMMINS INC.

DEFENDANTS

ORDER

On this date, Defendant Cummins Inc.'s Motion to Sever Claims and For Separate Trials comes on for consideration wherein Plaintiffs appeared by and through their attorneys, John Belew and Laura Brissey; Defendant Cummins Inc. appeared by and through its attorney, Kevin M. Kuhlman; Defendant Caterpillar Inc. appeared by and through its attorney, M. Stephen Bingham, and the Court, being well and sufficiently advised in the law and the facts, finds:

Defendant Cummins Inc. filed a Motion to Sever Claims and For Separate Trials pursuant to Fed R. Civ. P. 20(a). Rule 20 provides that persons may be joined in one action as defendants if:

- (A) any right to relief is asserted against them jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and
- (B) any question of law or fact common to all defendants will arise in the action.

Fed. R. Civ. P. 20.

The requirements of Rule 20 are satisfied in this case, so Defendant Cummins Inc.'s Motion to Sever Claims and for Separate Trials is DENIED.

IT IS SO ORDERED this 7th day of March, 2011.

/s/ Billy Roy Wilson
UNITED STATES DISTRICT JUDGE