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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL ASBERRY,

NO. CIV. S-01-2343 LKK/PAN

Plaintiff,

v.

CITY OF SACRAMENTO/SANITATION
DEPARTMENT,

Defendant.

MICHAEL ASBERRY,

NO. CIV. S-04-2467 LKK/PAN

Plaintiff,

v.

O R D E R

CITY OF SACRAMENTO, et al.,

Defendants.

Pending before the court is defendant's motion to consolidate the two above-captioned cases. Having considered the pleadings, the parties' papers, and after oral argument, the court concludes that the above-entitled actions are appropriate candidates for

1 consolidation under Rule 42(a) of the Federal Rules of Civil
2 Procedure. It appears that consolidation of the actions is likely
3 to effect a substantial saving of judicial effort and be convenient
4 for the parties. The two trials, however, shall be bifurcated.

5 The parties should be aware that consolidation does not merge
6 the actions into a single action. Alfred Dunhill of London v.
7 Republic of Cuba, 425 U.S. 682, 735 n.22 (1976). Each action
8 remains separate and requires entry of a separate judgment.
9 Wright & Miller, Federal Practice and Procedure § 2382, pp.
10 254-55 (1971).

11 Therefore, IT IS ORDERED that:

- 12 1. The actions are CONSOLIDATED;
- 13 2. The trials in the above-actions shall be BIFURCATED;
- 14 2. Case No. Civ. S-01-2343 is designated as the "master
15 file";
- 16 3. The Clerk is directed to copy the complaint and answer in
17 case no. Civ. S-04-2467 and to place said copies in the "master
18 file";
- 19 4. The Clerk is directed to administratively close case no.
20 Civ. S-04-2467;
- 21 5. The parties are directed to file all future pleadings ONLY
22 in case no. Civ. S-01-2343; and

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