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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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THE PLANE EXCHANGE, INC.
Plaintiff,
v.
PAUL FRANCOIS,
Defendant.

ORDER

CIV. NO. 2:14-784 WBS KJN

PAUL FRANCOIS,
Plaintiff,
v.
CRAIG VINCENT,
Defendant.

CIV. NO. 2:14-1517 WBS KJN

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Federal Rule of Civil Procedure 42(a) provides that if two cases before the court involve a common question of law or fact, the court may consolidate the cases into a single action.

1 Fed. R. Civ. P. 42(a)(2). These cases both appear to involve a
2 single transaction in which Paul Francois purchased a plane from
3 the Plane Exchange, Inc. In the later-filed action, Francois
4 asserts claims against Craig Vincent, the president of the Plane
5 Exchange, for fraud, negligent misrepresentation, and intentional
6 misrepresentation. In the first-filed action, the Plane Exchange
7 seeks only a declaration that it breached no duty to Francois in
8 the course of conducting the sale.

9 Because these cases appear to involve essentially the
10 same factual and legal issues, the court sees no reason that the
11 cases should proceed on separate timetables for discovery, motion
12 practice, and trial; doing so would only cause "unnecessary cost
13 or delay," which Rule 42 seeks to avoid. Fed. R. Civ. P.
14 42(a)(3). The court is nonetheless reluctant to consolidate
15 these cases without first obtaining the input of the parties.
16 Accordingly, the court orders the parties to express their views
17 on whether the actions should be consolidated into a single
18 proceeding.

19 IT IS THEREFORE ORDERED that counsel for both Paul
20 Francois and the Plane Exchange, Inc. shall submit a document
21 expressing their respective views on whether the actions
22 denominated Plane Exchange, Inc. v. Francois, Civ. No. 2:14-784
23 WBS KJN, and Francois v. Vincent, Civ. No. 2:14-1517 WBS KJN,
24 should be consolidated. Counsel for both parties shall file this
25 document within seven (7) days of the date this Order is signed.
26 The court will then determine whether consolidation is
27 appropriate without further input from the parties.

28 Dated: July 9, 2014

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WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE