

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Edward W. Nottingham

Civil Action No. 06-cv-00527-EWN-CBS

CHERYL REYNOLDS,

Plaintiff,

v.

ALLSTATE INDEMNITY COMPANY,

Defendant.

PROCEDURAL ORDER

This case is a procedural morass. It originated in the Boulder County District Court early in 2003. Plaintiff Cheryl Reynolds, together with twenty or so other individuals, sued a whole slew of insurance companies, Defendant Allstate Indemnity Company among them. The twenty or so Plaintiffs purported to bring the case as a class action.

After what appear to have been desultory proceedings spanning over two-and-one-half years, most of the Defendants, including Allstate, filed motions to sever in September, 2005. After twisting in the wind for over six months, at least some of the Plaintiffs, including Reynolds, stipulated to severance. On February 24, 2006, the Boulder County District Court granted the stipulated motions, evidently creating myriad separate cases under the umbrella of one case number.

Next, on March 24, 2006, Allstate filed its Notice of Removal in this severed case. So, evidently, did a number of other of other insurance companies. The cases have been scattered randomly among the judicial officers of this court. This case bears the lowest case number and would thus be the crucible for any decision concerning consolidation. *See* D.C.COLO.LCivR 42.1.

Unfortunately, the transfer of filings from the state system to the federal system has not been seamless. The confusion is exacerbated by the fact that many pleadings bear an abbreviated caption naming the lead plaintiff and lead defendant only. It is not clear whether all of the severed cases have now been removed or whether some remain in state court. While counsel have tried to ameliorate the problem by tendering a CDROM purporting to contain an index, a set of pre-severance pleadings, and a set of post-severance pleadings, the CDROM is cumbersome to use. It remains virtually impossible for the court and the clerk's office to know what matters are pending and what things have been resolved. Accordingly, it is

ORDERED as follows:

1. All motions filed before removal of this case are hereby DENIED without prejudice to re-filing, so that the motions can be filed electronically in this court's CM/ECF system and assigned docketing numbers.
2. Plaintiff shall forthwith file the currently-operative complaint.
3. On or before April 17, 2006, the parties will confer and file a status report containing, *inter alia*, (1) a listing of the severed plaintiffs in the state court case whose cases remain pending

in state court, (2) a list of severed defendants whose cases remain in state court, and (3) the numbers and captions of the severed cases which have now been removed to federal court.

4. Any motion to consolidate this case with others shall be filed no later than April 17, 2006. The time for filing any response shall be as provided in the federal and local rules.

Dated this 10th day of April, 2006.

BY THE COURT:

s/ Edward W. Nottingham
EDWARD W. NOTTINGHAM
United States District Judge