

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Action No. 07-cv-00350-REB-CBS

JDB MEDICAL, INC., a California corporation, and
JAMES D. BEETON, an individual,

Plaintiffs,

v.

THE SORIN GROUP, S.p.A., an Italian entity of unknown form, and
ELA MEDICAL, INC., a Delaware corporation,

Defendants.

Civil Action No. 07-cv-00591-EWN-CBS

FLINT MEDICAL, INC., a California corporation, and
KEITH FLINT, an individual,

Plaintiffs,

v.

ELA MEDICAL, INC., a Delaware corporation,
THE SORIN GROUP, S.p.A., an Italian entity of unknown form, and
DOES 1 THROUGH 10, inclusive,

Defendants.

ORDER GRANTING MOTION TO CONSOLIDATE

Blackburn, J.

This matter is before me on the **Unopposed Motion of Defendant ELA Medical, Inc. to Consolidate** [#10], filed April 4, 2007. I grant the motion.

Under Fed. R. Civ. P. 42(a), the court may consolidate cases involving common questions of law or fact. The above-captioned cases have substantial questions of law and fact in common.

In Civil Action No. 07-cv-00350-REB-CBS, JDB Medical alleges that defendant, ELA, breached a contract between JDB and ELA when ELA terminated JDB as an independent sales representative. In Civil Action No. 07-cv-00591-EWN-CBS, Flint Medical alleges that ELA breached the same agreement when ELA terminated JDB, and that Flint Medical also was harmed by the alleged breach. In short, the claims in both cases arise from and relate to ELA's termination of JDB Medical.

THEREFORE, IT IS ORDERED as follows:

1. That the **Unopposed Motion of Defendant ELA Medical, Inc. To Consolidate** [#10], filed April 4, 2007, is **GRANTED**;
2. That under Fed. R. Civ. P. 42(a), and D.C.COLO.LCivR 42.1, Civil Action No. 07-cv-00350-REB-CBS is **CONSOLIDATED** with Civil Action No. 07-cv-00591-EWN-CBS;
3. That under D.C.COLO.LCivR 42.1, Civil Action No. 07-cv-00591-EWN-CBS shall be **REASSIGNED** to this court;
4. That these consolidated actions **SHALL** be captioned as shown at the top of this order, except that the case number for Civil Action No. 07-cv-00591-EWN-CBS shall be **AMENDED** to read Civil Action No. 07-cv-00591-REB-CBS.

Dated April 6, 2007, at Denver, Colorado.

BY THE COURT:

s/ Robert E. Blackburn
Robert E. Blackburn
United States District Judge