

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

Civil Action No. 07-cv-00710-EWN-MEH

FRONTLINE DEALER MARKETING, INC., a Washington corporation,

Plaintiff,

v.

DANIEL J. MCNELLIS, and his marital community,
DAVID J. MATHEWS, and his marital community, and
UNITED CAR CARE, INC.,

Defendants.

ORDER

This matter is before the court on a motion to consolidate this case with an earlier one which is assigned to Judge Blackburn. Local rule 42.1 provides:

A motion to consolidate shall be decided by the district judge to whom the oldest numbered case involved in the proposed consolidation is assigned for trial. Rulings on motions to consolidate shall be given priority. Cases consolidated shall be assigned for all further purposes to the judicial officer to whom the lowest numbered consolidated case previously was assigned for trial.

Implicit in this rule is the proposition that a motion to consolidate will be filed in the case with the lowest number, so that the district judge assigned to the case can review and rule on it. That has not been done, meaning that the motion has not been brought to the attention of the judge who must rule on it. The motion is therefore DENIED without prejudice to proper re-filing.

SO ORDERED.

Dated this 18th day of April, 2007.

BY THE COURT:

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