

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Craig B. Shaffer

Civil Action No. 08-cv-01236-CBS-BNB

ACE AMERICAN INSURANCE CORPORATION,
a Pennsylvania corporation;
INDEMNITY INSURANCE COMPANY OF NORTH AMERICA,
a Pennsylvania corporation;
NATIONAL SURETY CORPORATION,
an Illinois corporation; and
THE AMERICAN INSURANCE COMPANY,
an Ohio corporation,

Plaintiffs,

v.

AURORA ORGANIC DAIRY CORPORATION,
a Colorado corporation,

Defendant.

AURORA ORGANIC DAIRY CORPORATION,
a Colorado corporation,

Counterclaim Plaintiff and Third Party Plaintiff,

v.

ACE AMERICAN INSURANCE CORPORATION,
a Pennsylvania corporation,
INDEMNITY INSURANCE COMPANY OF NORTH AMERICA,
a Pennsylvania corporation,
NATIONAL SURETY CORPORATION,
an Illinois corporation,
THE AMERICAN INSURANCE COMPANY,
an Ohio corporation,

Counterclaim Defendants,

and

GENERAL FIRE & CASUALTY COMPANY,

an Idaho corporation, and
AMERICAN FARMERS & RANCHERS MUTUAL INSURANCE COMPANY,
an Oklahoma corporation,

Third-Party Defendants.

GENERAL FIRE & CASUALTY COMPANY,
an Idaho corporation,

Third-Party Counterclaim Plaintiff,

v.

AURORA ORGANIC DAIRY CORPORATION,
a Colorado corporation,

Third-Party Counterclaim Defendant.

ORDER OF CONSOLIDATION

This civil action comes before the court on Plaintiffs and Counterclaim Defendants “ACE and IICNA’s Unopposed Motion to Consolidate” (filed May 14, 2009) (doc. #71), seeking to consolidate Civil Action No. 09-cv-00346-PAB-KMT with this civil action. On October 20, 2008, the above-captioned case was referred to Magistrate Judge Craig B. Shaffer to handle all dispositive matters including trial and entry of a final judgment in accordance with 28 U.S.C. 636(c), FED.R.CIV.P. 73, and D.C.COLOL.CIVR. 72.2. (See doc. # 28). Pursuant to D.C.COLOL.CIVR. 42.1 “[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.” The court having reviewed the motion, the entire case file, and the applicable law and being sufficiently advised in the premises, IT IS ORDERED that:

1. Parties' "ACE and IICNA's Unopposed Motion to Consolidate" (filed May 14, 2009) (doc. # 71) is GRANTED.

2. Pursuant to FED.R.CIV.P. 42(a)(2), and D.C.COLOL.CivR. 42.1, Civil Action No. 09-cv-00346-PAB-KMT, *Aurora Dairy Corporation v. Nationwide Agribusiness Insurance Company* is consolidated with this civil action for all purposes.

3. Under D.C.COLOL.CivR. 42.1, Civil Action No. 09-cv-00346-PAB-KMT is reassigned to this court, pursuant 28 U.S.C. 636(c), FED.R.CIV.P. 73, and D.C.COLOL.CivR. 72.2, and referred to Magistrate Judge Boland.

4. Counsel in Civil Action No. 09-cv-00346-CBS-BNB shall file an executed "Notice of Availability of a United States Magistrate Judge to Exercise Jurisdiction" no later than **June 12, 2009**.

5. This consolidated action shall hereafter be captioned:

Civil Action No. 08-cv-01236-CBS-BNB,
consolidated with Civil Action No. 09-cv-00346-CBS-BNB

ACE AMERICAN INSURANCE CORPORATION,
a Pennsylvania corporation;
INDEMNITY INSURANCE COMPANY OF NORTH AMERICA,
a Pennsylvania corporation;
NATIONAL SURETY CORPORATION,
an Illinois corporation; and
THE AMERICAN INSURANCE COMPANY,
an Ohio corporation,
Plaintiffs,

v.

AURORA ORGANIC DAIRY CORPORATION,
a Colorado corporation,
Defendant.

AURORA ORGANIC DAIRY CORPORATION,
a Colorado corporation,
Counterclaim Plaintiff and Third Party Plaintiff,

v.

ACE AMERICAN INSURANCE CORPORATION,
a Pennsylvania corporation,
INDEMNITY INSURANCE COMPANY OF NORTH AMERICA,
a Pennsylvania corporation,
NATIONAL SURETY CORPORATION,
an Illinois corporation,
THE AMERICAN INSURANCE COMPANY,
an Ohio corporation,
Counterclaim Defendants,

and

GENERAL FIRE & CASUALTY COMPANY,
an Idaho corporation, and
AMERICAN FARMERS & RANCHERS MUTUAL INSURANCE COMPANY,
an Oklahoma corporation,
Third-Party Defendants.

GENERAL FIRE & CASUALTY COMPANY,
an Idaho corporation,
Third Party Counterclaim Plaintiff,

v.

AURORA ORGANIC DAIRY CORPORATION,
a Colorado corporation,
Third-Party Counterclaim Defendant.

Civil Action No. 09-cv-00346-CBS-BNB

AURORA DAIRY CORPORATION,
d/b/a AURORA ORGANIC DAIRY,
a Delaware corporation,
Plaintiff,

v.

NATIONWIDE AGRIBUSINESS INSURANCE COMPANY,
Defendant.

DATED at Denver, Colorado, this 20th day of May, 2009.

BY THE COURT:

s/Craig B. Shaffer _____
Craig B. Shaffer
United States Magistrate Judge