

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Zita L. Weinshienk

Civil Action No. 08-cv-01959-ZLW-MEH

NORFOLK SOUTHERN RAILWAY CORPORATION,

Plaintiff,

v.

SUPERLOADS, INC.,

Defendant,

and Consolidated Civil Action No. 09-cv-00648-WYD-MJW

NORFOLK SOUTHERN RAILWAY CORPORATION,

Plaintiff,

v.

SUPERLOADS, INC.,

Defendant.

ORDER

The matter before the Court is Plaintiff's Unopposed Motion To Consolidate A Related Matter (Doc. No. 51), filed in Case No. 08-cv-01959-ZLW-MEH. Plaintiff moves for the consolidation of Case No. 08-cv-01959-ZLW-MEH with Case No. 09-cv-00648-WYD-MJW. Federal Rule of Civil Procedure 42(a) provides that actions may be consolidated if they involve a common question of law or fact. Although consolidation

pursuant to Fed. R. Civ. P. 42(a) is committed to the discretion of the trial court, it may be inappropriate where it would lead to inefficiency, inconvenience, or unfair prejudice.¹

Here, the two actions do involve common questions of law and fact, and it does not appear that consolidation will lead to inefficiency, inconvenience, or unfair prejudice. Defendant does not oppose consolidation. Accordingly, it is

ORDERED that Plaintiff's Unopposed Motion To Consolidate A Related Matter (Doc. No. 51) is granted. It is

FURTHER ORDERED that Case No. 08-cv-01959-ZLW-MEH is consolidated with Case No. 09-cv-00648-WYD-MJW. It is

FURTHER ORDERED that Magistrate Judge Michael E. Hegarty will be the referral Magistrate Judge in the consolidated action. It is

FURTHER ORDERED that the above case caption shall be used on future filings in the consolidated action until further Order of the Court.

DATED at Denver, Colorado this 29th day of April, 2009.

BY THE COURT:



ZITA L. WEINSHIENK, Senior Judge
United States District Court

¹See Shump v. Balka, 574 F.2d 1341, 1344 (10th Cir. 1978); Equal Employment Opportunity Commission v. HBE Corp., 135 F.3d 543, 551 (8th Cir. 1998).