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

Civil Case No. 09-cv-00397-REB-MEH

JULIE HART,

Plaintiff,
v.

THE BOEING COMPANY, INC.,

Defendant.

Civil Case No. 09-cv-00398-REB-MJW

CAREY MEGAN SCHARFENSTINE,

Plaintiff,
v.

THE BOEING COMPANY, INC.,

Defendant.

Civil Case No. 09-cv-00399-REB-CBS

CAREY MEGAN SCHARFENSTINE,
as mother of LLOYD COLIN SCHARFENSTINE and
next friend of LLOYD COLIN SCHARFENSTINE,

Plaintiff,
v.

THE BOEING COMPANY, INC.,

Defendant.

Civil Action No. 09-cv-00400-REB-MEH

CAREY MEGAN SCHARFENSTINE, as Mother of GREYSON COLE SCHAFRENSTINE, and
Next Friend of GREYSON COLE SCHARFENSTINE,

Plaintiff,
v.

THE BOEING COMPANY, INC.,

Defendant.

Civil Case No. 09-cv-01064-REB-KLM

DANIELA ESCUDERO CONTAG,

Plaintiff,

v.

THE BOEING COMPANY, INC.,

Defendant.

Civil Case No. 09-cv-01065-CMA-KMT

GABRIEL TREJOS,

Plaintiffs,

v.

THE BOEING COMPANY, INC.,

Defendant.

Civil Case No. 09-cv-01066-REB-MEH

MARIA DEANDRA TREJOS,

Plaintiffs,

v.

THE BOEING COMPANY, INC.,

Defendant.

Civil Case No. 09-cv-01067-REB-CBS

GABRIEL TREJOS, and
MARIA DEANDRA TREJOS, as the Parents of Elijah Gabriel Trejos and Next Friends of ELIJAH GABRIEL TREJOS,

Plaintiffs,

v.

THE BOEING COMPANY, INC.,

Defendant.

ORDER GRANTING MOTION TO CONSOLIDATE AND DENYING MOTIONS TO DISMISS WITHOUT PREJUDICE

Blackburn, J.

The matter before me is defendant's **Unopposed Amended Motion To Consolidate Related Actions** [#28], filed June 5, 2009. I grant the motion.

The motion to consolidate concerns eight separate cases filed in this court against The Boeing Company, Inc., all arising from the December, 2008, crash of Continental Flight 1404 at Denver International Airport. These cases are as follows: (1) ***Julie Hart v. The Boeing Company, Inc.***, Civil Action No. 09-cv-00397, filed February 25, 2009; (2) ***Carey Megan Scharfenstine v. The Boeing Company, Inc.***, Civil Action No. 09-cv-00398-REB-MJW, filed February 25, 2009; (3) ***Carey Megan Scharfenstine as Mother and Next Friend of Lloyd Colin Scharfenstine v. The Boeing Company, Inc.***, Civil Action No. 09-cv-00399-REB-CBS, filed February 25, 2009; (4) ***Carey Megan Scharfenstine as Mother and Next Friend of Greyson Cole Scharfenstine v. The Boeing Company, Inc.***, Civil Action No. 09-cv-00400-REB-MEH, filed February 25, 2009; (5) ***Daniela Escudero Contag v. The Boeing Company, Inc.***, Civil Action No. 09-cv-01064-REB-KLM, filed May 7, 2009; (6) ***Gabriel Trejos v. The Boeing Company, Inc.***, Civil Action No. 09-cv-01065-CMA-KMT, filed May 7, 2009; (7) ***Maria Deandra Trejos v. The Boeing Company, Inc.***, Civil Action No. 09-cv-01066-REB-MEH, filed May 7, 2009; and (8) ***Gabriel Trejos and Maria Deandra Trejos as Parents and Next Friends of Elijah Gabriel Trejos v. The Boeing Company, Inc.***,

Civil Action No. 09-cv-01067-REB-CBS, filed May 7, 2009.

The determination whether to consolidate cases is governed by Rule 42(a) of the Federal Rules of Civil Procedure, which provides, pertinently:

> When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters in issue in the actions; it may order all the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

FED.R.CIV.P. 42(a).[1] This rule allows the court "to decide how cases on its docket are to be tried so that the business of the court may be dispatched with expedition and economy while providing justice to the parties." ***Breaux v. American Family Mutual Insurance Co.***, 220 F.R.D. 366, 367 (D. Colo. 2004) (quoting 9 C. WRIGHT & A. MILLER, **FEDERAL PRACTICE AND PROCEDURE** § 2381 at 427 (2nd ed. 1995)). The decision whether to consolidate cases is committed to my sound discretion. ***Shump v. Balka***, 574 F.2d 1341, 1344 (10th Cir. 1978).

It is clear in this case that common questions of law and fact predominate among the eight cases listed above and that consolidation therefore will be appropriate and efficacious. Having thus concluded, I also deny the pending motions to dismiss in each of the separate cases without prejudice and require defendant to refile a single such motion in the consolidated action if it so chooses.

THEREFORE, IT IS ORDERED as follows:

1. That **Unopposed Amended Motion To Consolidate Related Actions** [#28],

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[1] As the district judge to whom the oldest numbered case involved in the proposed consolidation is assigned for trial, the question whether to consolidate these matters falls to me for determination. ***See*** **D.C.COLO.LCivR** 42.1.

filed June 5, 2009, is **GRANTED**;

2. That pursuant to Fed.R.Civ.P. 42(a)(2) and D.C.COLO.LCivR 42.1, Civil Action Nos. 09-cv-00398-REB-MJW, 09-cv-00399-REB-CBS, 09-cv-00400-REB-MEH, 09-cv-1064-REB-KLM, 09-cv-1065-CMA-KMT, 09-cv-01066-REB-MEH, and 09-cv-01067-REB-CBS, are **CONSOLIDATED** with Civil Action No. 09-cv-00397-REB-MEH for all purposes;

3. That pursuant to D.C.COLO.LCivR 42.1, Civil Action Nos. 09-cv-00398-REB-MJW, 09-cv-00399-REB-CBS, 09-cv-1064-REB-KLM, 09-cv-1065-CMA-KMT, and 09-cv-01067-REB-CBS are **REASSIGNED** to Magistrate Judge Michael Hegarty;

4. That all future filings in these consolidated actions shall be captioned as shown below:

Civil Case No. 09-cv-00397-REB-MEH

(Consolidated with Civil Action Nos. 09-cv-00398-REB-MEH, 09-cv-00399-REB-MEH, 09-cv-00400-REB-MEH, 09-cv-1064-REB-MEH, 09-cv-1065-REB-MEH, 09-cv-01066-REB-MEH, and 09-cv-01067-REB-MEH)

JULIE HART,

Plaintiff,

v.

THE BOEING COMPANY, INC.,

Defendant.

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5. That the following motions are **DENIED WITHOUT PREJUDICE** to refile:

(a) **Defendant The Boeing Company, Inc.'s Motion To Dismiss** [#13], filed April 13, 2009, in Civil Action No. 09-cv-00397-REB-MEH;

(b) **Defendant The Boeing Company, Inc.'s Motion To Dismiss** [#11], filed April 13, 2009, in Civil Action No. 09-cv-00398-REB-MEH;

(c) **Defendant The Boeing Company, Inc.'s Motion To Dismiss** [#12], filed April 13, 2009, in Civil Action No. 09-cv-00399-REB-MEH;

(d) **Defendant The Boeing Company, Inc.'s Motion To Dismiss** [#15], filed April 13, 2009, in Civil Action No. 09-cv-00400-REB-MEH;

(e) **Defendant The Boeing Company, Inc.'s Motion To Dismiss** [#6], filed June 10, 2009, in Civil Action No. 09-cv-01064-REB-MEH;

(f) **Defendant The Boeing Company, Inc.'s Motion To Dismiss** [#7], filed June 10, 2009, in Civil Action No. 09-cv-01065-REB-MEH;

(g) **Defendant The Boeing Company, Inc.'s Motion To Dismiss** [#6], filed June 10, 2009, in Civil Action No. 09-cv-01066-REB-MEH; and

(h) **Defendant The Boeing Company, Inc.'s Motion To Dismiss** [#7], filed June 10, 2009, in Civil Action No. 09-cv-01067-REB-MEH.

Dated June 15, 2009, at Denver, Colorado.

BY THE COURT:

Robert E. Blackburn
United States District Judge