

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable Marcia S. Krieger

Civil Action No. 09-cv-01661-MSK

SIRRLOVE WILLIAMS,

Plaintiff,

v.

D/S PURDY,
D/S DUNN, and
SGT RONERO, a/k/a SGT ROMERO,

Defendants.

ORDER DENYING MOTION TO CONSOLIDATE

THIS MATTER comes before the Court on the Defendants' Motion to Consolidate Civil Action Nos. 09-cv-01661, 09-cv-01785, and 09-cv-01786 (**#27**), to which Interested Party, Monica Larson,¹ responded (**#28**).

Mr. Williams filed his initial complaint against Denver Sheriff Officers on April 2, 2008 in Civil Action No. 08-cv-0667 alleging excessive force. Thereafter, Mr. Williams filed the three actions sought to be consolidated her alleging that he has been retaliated against for filing the initial lawsuit. The Defendants assert that consolidation is appropriate because they all deal with Mr. Williams's assertion of retaliation and they all involve common questions of law and fact related to Mr. Williams's incarceration at the Denver County Jail.

¹ Ms. Larson is a defendant in Civil Action No. 09-cv-1786.

Having reviewed the Motion and Ms. Larson's response², the Court concludes that the Defendants have not demonstrated that consolidation of these cases is appropriate. Pursuant to Fed.R.Civ.P. 42(a), actions may be consolidated when the actions involve "common question[s] of law or fact." The rule allows the court to consolidate cases if doing so would promote the expeditious and economic determination of claims while providing justice to the parties. *See Harris v. Ill.-Cal. Exp., Inc.*, 687 F.2d 1361, 1368 (10th Cir. 1982). The decision whether the consolidate is left to the sound discretion of the court. *See Shump v. Balka*, 574 F.2d 1341, 1344 (10th Cir. 1978).

Based upon the Defendants' motion, the court is unable to determine whether there are common issues of law or fact in these actions. The Defendants provide no more than a conclusory allegations; they do not articulate the specific common issues that are present in the actions nor why consolidation would serve the purposes of Rule 42(a). Therefore, their showing is inadequate.

IT IS THEREFORE ORDERED that the Defendants' Motion to Consolidate (#27) is **DENIED WITHOUT PREJUDICE**.

Dated this 24th day of February, 2010

BY THE COURT:



Marcia S. Krieger
United States District Judge

² Ms. Larson argues that consolidation is not appropriate because the each case addresses separate and distinct episodes of retaliation and has different defendants. She also argues that the claim made against her in Civil action No. 09-cv-01786 is different from the other claims Mr. Williams brings in these three actions as it is not for retaliation or excessive force but for denial of medial care.