

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 10-cv-00341-WJM-KMT

KANE F. JOHNSON, a minor, by and through his parents and legal guardians, Kevin L. Johnson and Cheryl L. Johnson;
KEVIN L. JOHNSON, individually; and
CHERYL L. JOHNSON, individually,

Plaintiffs,

v.

SETH BODENHAUSEN; and
VAIL SUMMIT RESORTS, INC., d/b/a BRECKENRIDGE SKI RESORT, INC.,

Defendants.

and

Civil Action No. 11-cv-01580-WJM-BNB

AUTO CLUB FAMILY INSURANCE COMPANY,

Plaintiff,

v.

SETH BODENHAUSEN;
KANE F. JOHNSON, a minor, by and through his parents and legal guardians, Kevin L. Johnson and Cheryl L. Johnson;
KEVIN L. JOHNSON, individually; and
CHERYL L. JOHNSON, individually

Defendants.

ORDER OF CONSOLIDATION

This matter is before the Court *sua sponte*. In Civil Action No. 10-cv-00341-WJM-KMT, the plaintiffs – Kane F. Johnson, Kevin L. Johnson, and Cheryl L. Johnson – who are also defendants in Civil Action No. 11-cv-01580-WJM-BNB, have made requests in both actions that the two actions be consolidated. (Civil Action No. 10-cv-00341-WJM-KMT, ECF No. 75, at 3-4; Civil Action No. 11-cv-01580-WJM-BNB, ECF No. 12, ¶¶ 70, 82.) Also, in Civil Action No. 11-cv-01580-WJM-BNB, Plaintiff Auto Club Family Insurance Company filed a Notice of Related Case regarding Civil Action No. 10-cv-00341-WJM-KMT. (No. 10-cv-00341, ECF No. 20.)

Pursuant to Fed. R. Civ. P. 42(a), this Court finds that the two actions involve common questions of law or fact. Further, the Court finds that consolidation of these two actions will avoid unnecessary costs and delays, and will promote judicial efficiency.

It is therefore ORDERED that the following actions are consolidated for all purposes, and future filings in any of these actions shall contain the caption as set forth above and shall be docketed under Civil Action No. 10-cv-00341-WJM-KMT:

- 1) Civil Action No. 10-cv-00341-WJM-KMT, and
- 2) Civil Action No. 11-cv-01580-WJM-BNB.

It is FURTHER ORDERED that Magistrate Judge Kathleen M. Tafoya will be the sole referral Magistrate Judge in the consolidated action. As required by D.C.COLO.LCivR 40.1A, Chief Judge Wiley Y. Daniel has approved this transfer of Civil Action No. 11-cv-01580-WJM-BNB from Magistrate Judge Boyd N. Boland to Magistrate Judge Tafoya.

Dated this 30th day of November, 2011.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "William J. Martinez", is written over a horizontal line.

William J. Martinez
United States District Judge