

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Judge Philip A. Brimmer**

Civil Action No. 11-cv-03294-PAB  
(*consolidated with* Civil Action No. 12-cv-00034-PAB)

THE TOWN OF SUPERIOR, a Colorado municipality,  
  
Plaintiff,

v.

UNITED STATES FISH AND WILDLIFE SERVICE, et al.,  
  
Defendants.

---

**ORDER**

---

This matter is before the Court on the unopposed motion to consolidate [Docket No. 27] filed by the plaintiffs in Civil Action No. 12-cv-00388-PAB, WildEarth Guardians and Rocky Mountain Wild (“plaintiffs”). Plaintiffs seek to consolidate Civil Action No. 12-cv-00388 with this case and the already-consolidated case Civil Action No. 12-cv-00034-PAB.

Pursuant to Fed. R. Civ. P. 42(a)(2), the Court is permitted to consolidate actions if they “involve a common question of law or fact.” The Court has “broad discretion 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.” 9A Wright & Miller, *Federal Practice & Procedure – Civil*, § 2381 (3d ed. 2011). In their unopposed motion, plaintiffs point out that Civil Action No. 12-cv-00388-PAB and “the two previously-filed lawsuits concern the same subject matter, federal agency defendants, and agency actions, and also raise legal claims based on the same

statutes, and will be reviewed based on the same or similar administrative record.”

Docket No. 27 at 1. That being the case, the Court concludes that consolidation would serve the interests of judicial economy. See Fed. R. Civ. P. 42(a). Therefore, it is

**ORDERED** that the unopposed motion to consolidate [Docket No. 27] is GRANTED. Civil Action No. 12-cv-00388-PAB is consolidated with this case and Civil Action No. 12-cv-00034-PAB. It is further

**ORDERED** that this order shall be docketed in both this case and Civil Action No. 12-cv-00388-PAB and the identical motion in that case [Docket No. 5 in No. 12-cv-00388-PAB] is GRANTED. It is further

**ORDERED** that Civil Action No. 11-cv-03294-PAB will constitute the lead case.

DATED May 10, 2012.

BY THE COURT:

s/Philip A. Brimmer  
PHILIP A. BRIMMER  
United States District Judge