

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

Civil Action No. 12-cv-0447-WJM-KLM

THOMAS B. WELLS, Derivatively on Behalf of MOLYCORP, INC.,

Plaintiff,

v.

MARK A. SMITH, *et al.*

Defendants,

MOLYCORP, INC., a Delaware corporation,

Nominal Defendant.

and

Civil Action No. 12-cv-0589-WJM-KLM

JAMES SWAGGERTY, Derivatively on Behalf of MOLYCORP, INC.,

Plaintiff,

v.

MARK A. SMITH, *et al.*

Defendants,

MOLYCORP, INC., a Delaware corporation

Nominal Defendant.

ORDER GRANTING UNOPPOSED MOTION TO CONSOLIDATE

Before the Court is Plaintiffs Thomas Wells and James Swaggerty's Unopposed

Motion to Consolidate Related Actions (“Motion”). (ECF Nos. 65)¹ Defendants do not oppose consolidation. The Court having reviewed the Motion and finding good cause exists, hereby GRANTS the Motion for the following reasons:

Federal Rule of Civil Procedure 42(a) provides that consolidation is appropriate when the actions involve common questions of law or fact:

If actions before the court involve a common question of law or fact, the court may: (1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or delay.

Fed. R. Civ. P. 42(a). Further, consolidation is committed to the sound discretion of the trial court. *Chimal v. Sledge*, No. 06-cv-02394, 2007 WL 1576346, at *1 (D. Colo. May 31, 2007). “The purpose of Rule 42(a) is to give the court 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.” *Skaggs v. Level 3 Communications, Inc.*, No. 09-cv-200, 2009 WL 458682, at *1 (D. Colo. Feb. 24, 2009) (quotations omitted).

Pursuant to Fed. R. Civ. P. 42(a) and D.C.COLO.LCivR 7.5E, the Court finds that the two actions listed below involve common questions of law or fact, including common parties and common claims. The Court also finds that consolidation of these cases will avoid unnecessary costs and delays. The Court notes that consolidation is not opposed by any party to the actions.

Accordingly, the Court orders that the following cases are consolidated: (1)

¹ This motion was also filed in Civil Action 12-cv-0589-WJM-KLM at ECF No. 52.

Thomas B Wells, Derivatively and on Behalf of Molycorp, Inc.. v. Mark A. Smith, et al., 12-cv-0447-WJM-KLM; (2) *James Swaggerty, Derivatively and on Behalf of Molycorp, Inc. v. Mark A. Smith, et al.*, 12-cv-0589-WJM-KLM. All future filings in either of these actions shall contain the caption as set forth above and shall be docketed under Civil Action No. 12-cv-0447-WJM-KLM. The Clerk shall docket a copy of this Order in 12-cv-00589-WJM-KMT and terminate ECF No. 52 as GRANTED.

Dated this 8th day of October, 2013.

BY THE COURT:



William J. Martínez
United States District Judge