

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Chief Judge Wiley Y. Daniel

Civil Action No. 12-cv-01103-WYD-MJW

VIRGILIUS LIPS and
LYNDA LIPS,

Plaintiffs,

v.

BOARD OF COUNTY COMMISSIONERS OF ARAPAHOE COUNTY;
ARAPAHOE COUNTY SHERIFF GRAYSON ROBINSON, In his official capacity;
AGENT MATT HANAGAN, in his individual and official capacities;
INVESTIGATOR CRAIG TANGEMAN, in his individual and official capacities;
OFFICER JOHN DOE #1, in his individual and official capacities;
OFFICER JOHN DOE #3, in his individual and official capacities;
OFFICER JOHN DOE #4, in his individual and official capacities; and
OFFICER JOHN DOE #5, in his individual and official capacities,

Defendants.

Consolidated with

Civil Action No. 12-cv-01107-WYD-BNB

MELVEN LIPS and
JULIEN LIPS,

Plaintiffs,

v.

BOARD OF COUNTY COMMISSIONERS OF ARAPAHOE COUNTY;
ARAPAHOE COUNTY SHERIFF GRAYSON ROBINSON, in his official capacity;
AGENT MATT HANAGAN, in his individual and official capacities;
INVESTIGATOR CRAIG TANGEMAN, in his individual and official capacities;
OFFICER JOHN DOE #1, in his individual and official capacities; and
OFFICER JOHN DOE #2, in his individual and official capacities,

Defendants.

ORDER OF CONSOLIDATION

THIS MATTER is before the Court on a review of the files. On June 14, 2012, I issued an Order to Show Cause in both of the above-referenced cases asking the parties to show cause why the cases should not be consolidated. The parties have filed responses indicating that consolidation is appropriate. I agree for the reasons stated below.

Fed. R. Civ. P.42(a) provides that “[w]hen 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 action; 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.” Consolidation is within the discretion of the trial court. *Gillette Motor Transport v. Northern Oklahoma Butane Co.*, 179 F.2d 711, 712 (10th Cir. 1950). I find that the two cases at issue involve common questions of law and fact involving the alleged use of excessive force and other alleged violations of law when the Lips’ residence was searched on April 29, 2010. Accordingly, it is

ORDERED that the two-above referenced cases are consolidated for all further purposes. It is

FURTHER ORDERED that the Clerk of Court shall docket this Order in both cases. It is

FURTHER ORDERED that all pleadings and other filings shall hereafter be filed in the lower numbered case only, Civil Action No. 11-cv-01103-WYD-MJW, using the caption appearing in this Order. Finally, it is

ORDERED that Civil Action No. 11-cv-01107 shall hereafter be referred to the magistrate judge assigned to the lowest case, in this case Magistrate Judge Watanabe.

Dated: June 29, 2012

BY THE COURT:

s/ Wiley Y. Daniel
Wiley Y. Daniel
Chief United States District Judge