

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

Civil Action No. 12-cv-01824-WYD-KLM
(consolidated with 12-cv-02482)

LILIA E. GARCIA,

Plaintiff,

v.

IRS, INTERNAL REVENUE SERVICE,

Defendant.

ORDER

THIS MATTER is before the Court on the Motion to Consolidate by Defendant filed September 19, 2012. Defendant seeks pursuant to Fed. R. Civ. P. 42 to consolidate this case with another case filed by the same plaintiff, Lilia E. Garcia, against the Internal Revenue Service ["IRS"], Civil Action No. 12-cv-02482-WYD-KMT.

Rule 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).

Upon review of the files in these cases, I find that the two cases involve common questions of law and fact and should be consolidated. Both cases relate to Ms. Garcia's

employment with the IRS and assert discrimination claims as well as alleged violations of the Family Medical Leave Act ["FMLA"] and the Equal Pay Act. I also note that it appears Plaintiff agrees that consolidation of the two cases is appropriate per a motion she filed on October 4, 2012 in Case No. 12-cv-02482, entitled "Motion to Answer and Consolidate Case." Accordingly, it is

ORDERED that the Motion to Consolidate by Defendant filed in Civil Action No. 12-cv-01824-WYD-KLM (ECF No. 19) is **GRANTED**. *Lilia E. Garcia v. Internal Revenue Service*, Civil Action No. 12-cv-02482-WYD-KMT, is consolidated with 12-cv-01842-WYD-KLM for all further purposes. It is

FURTHER ORDERED that as of the date of this Order, all pleadings and other filings shall be filed in Civil Action No. 12-cv-01824, using the caption appearing in this Order. It is

FURTHER ORDERED that Civil Action No. 12-cv-02482 shall hereafter be referred to the magistrate judge assigned to the lowest case, in this case Magistrate Judge Mix. Finally, it is

ORDERED that the Clerk of Court shall docket this Order in Civil Action No. 12-cv-02482.

Dated: October 11, 2012

BY THE COURT:

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