IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello

Civil Action No. 13-cv-03507-CMA-CBS (Consolidated for all purposes with Civil Action No. 14-cv-01037-CMA-CBS)

JOSEPH REID and
GORDON MILLER, on behalf of themselves and similarly situated employees,

Plaintiffs,

v.

NEWALTA ENVIRONMENTAL SERVICES, INC.,

Defendant.

ORDER GRANTING UNOPPOSED MOTION TO CONSOLIDATE CASES

This matter is before the Court on Defendant's Unopposed Motion to Consolidated Cases (Doc. # 42).

The determination whether to consolidate cases is governed by Rule 42(a) of the Federal Rules of Civil Procedure, which provides, pertinently:

> When 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 actions; 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.

Fed. R. Civ. P. 42(a).[1] This rule allows the court "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." *Breaux v. American Family Mutual*

[1] The district judge to whom the oldest numbered case involved in the proposed consolidation is assigned determines whether consolidation is proper. *See* D.C.COLO.LCivR 42.1.

Insurance Co., 220 F.R.D. 366, 367 (D. Colo. 2004) (quoting 9 C. WRIGHT & A. MILLER, FEDERAL PRACTICE AND PROCEDURE § 2381 at 427 (2nd ed. 1995)). The decision whether to consolidate cases is committed to this Court's sound discretion. *Shump v. Balka*, 574 F.2d 1341, 1344 (10th Cir. 1978).

It is clear that common questions of law and fact predominate in these two cases such that consolidation will be appropriate and efficacious.

THEREFORE, IT IS ORDERED as follows:

1. That Defendant's Unopposed Motion To Consolidate (Doc. # 42) is GRANTED;

2. That pursuant to D.C.COLO.LCivR 42.1, Civil Action No. 14-cv-01037-MJW is REASSIGNED to Judge Christine M. Arguello and Magistrate Judge Craig B. Shaffer, and shall bear Civil Action No. 14-cv-01037-CMA-CBS;

3. That pursuant to Fed. R. Civ. P. 42(a)(2) and D.C.COLO.LCivR 42.1, Civil Action No. 14-cv-01037-CMA-CBS is CONSOLIDATED with Civil Action No. 13-cv-03507-CMA-CBS for all purposes;

4. That all future filings in these consolidated actions shall be captioned as set forth above.

DATED: May 02, 2014

BY THE COURT:

Christine M Arguello

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CHRISTINE M. ARGUELLO
United States District Judge