

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PERNELL L. DAVIS,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 03-131 JJF
	:	
WARDEN THOMAS CARROLL,	:	
et al.,	:	
	:	
Defendants.	:	

MEMORANDUM ORDER

Pending before the Court is Plaintiff's Motion For Leave To File A Supplemental Complaint and To Extend The Deadlines (D.I. 64) and Plaintiff's Motion To Consolidate Civil Actions 03-131-JJF And 09-257-JJF (D.I. 71). Both motions filed by Plaintiff relate to allegations of retaliation that Plaintiff contends occurred in 2007. Defendants opposed the Motion to File a Supplemental Complaint arguing undue delay and prejudice to Defendants (D.I. 65).

After considering the premises of both motions and understanding the allegations and concerns of retaliation by some of the Defendants named in the 2003 and 2009 complaints, the Court concludes that both motions should be granted so that all the present allegations can be adjudicated in one trial and discovery allowed on the retaliation allegations.

NOW THEREFORE, IT IS HEREBY ORDERED that:

1) Plaintiff's Motion For Leave To File A Supplemental Complaint and To Extend The Deadlines (D.I. 64) is **GRANTED**.

2) Plaintiff's Motion To Consolidate Civil Actions 03-131-JJF And 09-257-JJF (D.I. 71 in 03-131, D.I. 5 in 09-257) is **GRANTED**. All future filings will be made in Lead Consolidated Case No. 03-131-JJF.

3) The discovery cut-off is extended to **March 17, 2010**, so as to allow discovery on Plaintiff's retaliation claims.

4) Any case dispositive motions shall be filed on **March 26, 2010**.

12/15/08

DATE

Joseph J. Faucher

UNITED STATES DISTRICT JUDGE