

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TARA SCOTT and WILSON CARTER,
INDIVIDUALLY AND AS TRUSTEE OF
THE BAILEY MIDDLETON CARTER
2009 TRUST, THE MARY WILSON
CARTER 2009 TRUST, and THE
WILSON M. CARTER 1988 TRUST,

Plaintiffs,

v.

VANTAGE CORPORATION, VANTAGE
ADVISORY MANAGEMENT, LLC, VF (X)
LP, TRADELOGIX, LLC, BRIAN ASKEW,
and GERALD FINEGOLD,

Defendants.

C. A. No. 17-448-MPT

DOUGLAS A. DUNCAN,

Plaintiff,

v.

VANTAGE CORPORATION, VANTAGE
ADVISORY MANAGEMENT, LLC, VF (X)
LP, TRADELOGIX, LLC, BRIAN ASKEW,
and GERALD FINEGOLD,

Defendants.

C. A. No. 18-288-GMS

Memorandum Order

A motion for consolidation was filed on April 25, 2018 in these related matters on behalf of plaintiff Duncan. D.I. 76 in 17-448-MPT and D.I. 15 in 18-288-GMS. The *Scott* matter was filed on April 20, 2017, while the *Duncan* matter was filed almost a year later on February 20, 2018. As noted in the motion, the original complaints are mirror images of each other. See D.I. 76 at ¶ 5 in 17-448-MPT. However, in *Scott*,

plaintiffs filed a propose second amended complaint which includes allegations not asserted by plaintiff in *Duncan*.¹ A decision by this court on plaintiffs' second motion to amend could change the landscape of the *Scott* matter.

Plaintiffs in these cases are represented by two different law firms. The *Scott* matter was assigned to this judge and the *Duncan* case was assigned to Judge Sleet. It is unclear why these related matters were assigned to two different judges. The motion to consolidate is opposed by plaintiffs in the *Scott* case. See D.I. 86 in 17-448-MPT and D.I. 17 in 18-288-GMS. In *Scott*, a scheduling order was entered on February 28, 2018, while no scheduling order has been entered in *Duncan*.² The parties in *Scott* began discovery, including the filing and answering of multiple requests for production and interrogatories, along with serving subpoenas on third parties. According to the docket in *Duncan*, it does not appear that any discovery has occurred.³

Most importantly, only the parties in *Scott* consented to the jurisdiction of this Magistrate Judge; the parties in *Duncan* have not. D.I. 5.

Therefore,

IT IS ORDERED that *Duncan's* motion to consolidate is denied in 17-448-MPT.

Dated: August 7, 2018

/s/ Mary Pat Thyng
Chief U.S. Magistrate Judge Mary Pat Thyng

¹ D.I. 69 in 17-448-MPT. The motion to amend is opposed by defendants in *Scott*. D.I. 77 and has been fully briefed.

² The court notes that the scheduling order in *Scott* will be modified in the near future, resulting in extensions to the original scheduling order, but at this stage, the modification does not change the court's conclusion.

³ That the *Scott* matter was temporarily stayed for a period of time, approximately seventy (70) days due to the Vantage defendants' bankruptcy proceedings, although relevant, does not affect the court's decision.