

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

PACTRANS AIR & SEA, INC.,

Plaintiff,

v.

Case No.: 3:08-cv-26-RV-MD

JOHN A. BENNETT and
ROBERT SCHARF,

Defendants.

_____ /

ORDER

This litigation arises out of an ocean shipment of gypsum board from China to Florida that took place between May and June of 2006, and it shares the same operative facts as two other cases that have been consolidated and are pending before me in this district. *Pactrans Air & Sea, Inc. v. M/V Sanko Rally*, 3:08cv01, consolidated with, *Devon Int'l Trading, Inc. v. M/V Sanko Rally*, 3:06cv285. The defendants have moved to dismiss the complaint in this case, or, in the alternative, to consolidate this matter with the other cases (docs. 12, 14). Upon consideration, the defendants' motions are GRANTED to the extent they seek consolidation. The motions to dismiss shall remain under advisement.

The Clerk is directed to consolidate this case with the two cases identified above for all further discovery and pre-trial matters.¹

DONE and ORDERED this 6th day of November, 2008.

/s/ Roger Vinson _____
ROGER VINSON
Senior United States District Judge

¹ The two consolidated cases --- along with a related case pending before Judge Richard Smoak of this court --- have been temporarily stayed pending arbitration in China. The arbitration is to be held and completed on or before January 31, 2009. Although the plaintiff in this case has resisted consolidation by arguing that its complaint in this case "is not subject to arbitration," it is apparent that the arbitration may necessarily affect all the various claims and the related parties. As noted, the cases all arise out of the same operative facts and, moreover, they involve the same attorneys and largely the same parties.