

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

TIMOTHY A. BRAGG and VIOLETA
C. BRAGG, Individually and as Parents
and Natural Guardians of S.E.B., a Minor,

Plaintiffs,

v.

Case No. 3:09cv383/LAC

TERRALL NEAL MOORE, DO; RANDALL
EUGENE SCOTT, P.A.; and PYHAMERICA
GOVERNMENT SERVICES, INC.,

Defendants.

_____ /

ORDER OF CONSOLIDATION

Upon a review of the files in this case and in Case No. 3:09cv382/MCR, and of Defendants' Motion to Consolidate, the Court has determined that these cases present common questions of fact or law. Pursuant to Federal Rule of Civil Procedure 42(a), district courts possess the managerial authority to consolidate cases as a matter of judicial expedience and to eliminate duplication of effort. *See Young v. City of Augusta, Ga. Through DeVaney*, 59 F.3d 1160, 1169 (11th Cir. 1995). Plaintiffs oppose full consolidation on grounds of potential prejudice because their claims under the Federal Tort Claims Act must be tried before the Court while the rest of their claims may be tried before a jury. This matter may be later addressed, however, through the bifurcation of trials if this is deemed appropriate.

Accordingly, the Court Orders:

1. Defendants' Motion to Consolidate (doc. 5) is **GRANTED**.

2. Pursuant to Rule 42(a), Fed. R. Civ. P., this case is hereby transferred to the Honorable M. Casey Rodgers, with her consent, and is consolidated with Case No. 3:09cv382/MCR for all further proceedings.

ORDERED on this 6th day of January, 2010.

s/L.A. Collier

Lacey A. Collier
Senior United States District Judge