

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

Ava Wanliss,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO.
	:	1:09-cv-01853-JOF
Continental Tire North America, Inc.,	:	
	:	
Defendant.	:	
	:	

**OPINION & ORDER**

This matter is before the court on Plaintiff’s motion to consolidate [27].

Plaintiff, Ava Wanliss, as surviving parent and administratrix for the Estate of Steven Campbell, filed suit against Defendant, Continental Tire North America, Inc., on May 21, 2009, in the State Court of Fulton County. Defendant removed the suit to this court on July 9, 2009. Steven Campbell was a passenger in a car involved in a single car accident on June 3, 2007. Steven Campbell died as a result of the accident. Also involved in the accident were the driver and four other passengers not including Steven Campbell. Plaintiff alleges that the accident was caused by defects in the car’s tires.

In an order dated April 6, 2010, the court ruled that general discovery in this case would end on September 1, 2010 and expert discovery would end November 1, 2010. The

court also directed Plaintiff's counsel to file claims for the other four passengers he indicated he represented and to also file a motion to consolidate.

On May 6, 2010, Plaintiff filed the requested motion to consolidate. Plaintiff indicates all of these matters arise out of an automobile accident that occurred on June 3, 2007, in a single vehicle driven by Leroy James, Jr., with five passengers: Steven Campbell, Curtis Gooding, minor K.B., minor E.J., and minor U.J. At the time of the accident, all passengers, including decedent Steven Campbell were minors and Mr. James was 19 years old. All passengers remain minors, but for Curtis Gooding. Plaintiff's counsel represents all passengers. In the motion, Plaintiff indicates the related cases are:

1. *Curtis Gooding v. Continental Tire North America, Inc.*, Civil Action No. 1:10-CV-1136-JOF;
2. *Shayla Ivory, individually and as next friend of E.J. v. Continental Tire North America, Inc.*, Civil Action No. 1:10-CV-1137-JOF;
3. *Lettrecia Clark, individually and as next friend of U.J. v. Continental Tire North America, Inc.*, Civil Action No. 1:10-CV-1138-JOF; and
4. *Vilma Osborne, individually and as next friend of K.B. v. Continental Tire North America, Inc.*, Civil Action No. 1:10-CV-1139-JOF.

Defendant has not filed any response to Plaintiff's motion, and the court deems it is unopposed. Under Federal Rule of Civil Procedure 42(a), because these cases arise out of

the same accident and will involve common questions of law and fact, the court GRANTS Plaintiff's motion to consolidate [27]. The court DIRECTS the Clerk of the Court to CONSOLIDATE the above-listed four cases with the instant action.

**IT IS SO ORDERED** this 11th day of June 2010.

\_\_\_\_\_/s J. Owen Forrester\_\_\_\_\_  
J. OWEN FORRESTER  
SENIOR UNITED STATES DISTRICT JUDGE