

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

KIEWIT INFRASTRUCTURE CO.,)
)
Plaintiff,)
)
vs.)
)
Madison County Flood Prevention)
District *et al.*,)
)
Defendants.)

Case No. 15-cv-00581-JPG-DGW

_____)

Consolidated with:

SOUTHWESTERN ILLINOIS FLOOD)
PREVENTION DISTRICT COUNCIL,)
)
Plaintiff,)

Case No. 15-cv-00680-JPG-DGW

vs.)
)
KIEWIT INFRASTRUCTURE CO.,)
)
Defendant/Counter Claimant,)

vs.)
)
SOUTHWESTERN ILLINOIS FLOOD)
PREVENTION DISTRICT COUNCIL,)
)
Counter Defendant.)

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiff Southwestern Illinois Flood Prevention District Council’s (hereafter “Southwestern”) Motion (Doc. 13, 15-cv-00680) to Consolidate; Plaintiff Kiewit Infrastructure Co.’s Motion (Doc. 13, 15-cv-00581) to Consolidate; and Defendants Madison County Flood Prevention District, Monroe County Flood Prevention District, St. Clair County Flood Prevention District, and Southwestern’s Motion (Doc. 19, 15-cv-

00581) to Dismiss or Consolidate. All motions and responses were timely filed.

Pursuant to Federal Rule of Civil Procedure 42(a) the Court has discretion to consolidate actions that involve a common question of law or fact. *Star Ins. Co. v. Risk Marketing Group Inc.*, 561 F.3d 656, 660 (7th Cir. 2009). *Southwester v. Kiewit*, (Case Number 15-cv-00680-JPG-DGW) and *Kiewit v. Madison County Flood, et al.*, (Case Number 15-cv-00581-JPG-DGW) both involve common questions of law and fact, namely, issues regarding the contract entered into by the parties on September 23, 2014 with regard to a project referred to as the Levee Certification Design Project.

Therefore, the Court **GRANTS** Plaintiff Southwestern Illinois Flood Prevention District Council's (hereafter "Southwestern") Motion (Doc. 13, 15-cv-00680) to Consolidate; Plaintiff Kiewit Infrastructure Co.'s Motion (Doc. 13, 15-cv-00581) to Consolidate; and that portion of Defendants Madison County Flood Prevention District, Monroe County Flood Prevention District, St. Clair County Flood Prevention District, and Southwestern's Motion (Doc. 19, 15-cv-00581) to Dismiss or Consolidate with regard to consolidation. That portion of Southwestern's Motion (Doc. 19, 15-cv-00581) to Dismiss or Consolidate with regard to dismissal pursuant to Federal Rules of Civil Procedure 13(a) is **DENIED** without prejudice.

Accordingly, for the purposes of discovery and trial, the Court hereby **CONSOLIDATES** *Southwester v. Kiewit*, (Case Number 15-cv-00680-JPG-DGW) and *Kiewit v. Madison County Flood, et al.*, (Case Number 15-cv-00581-JPG-DGW). All future filing shall bear the consolidated caption used in this order and shall be filed **ONLY** in *Kiewit v. Madison County Flood, et al.*, (Case Number 15-cv-00581-JPG-DGW). The Court will strike any filings in Case Number 15-cv-00680-JPG-DGW subsequent to this order.

The Clerk of Court is **DIRECTED** to **CONSOLIDATE** these cases and to file a copy of this Order in both cases.

IT IS SO ORDERED.

DATED: 8/18/2015

s/J. Phil Gilbert

J. PHIL GILBERT
DISTRICT JUDGE