

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

ASHLEE K. LEEPER,)
Plaintiff,)
)
v.) CAUSE NO.: 2:15-CV-414-RL-PRC
)
AJ LINES, INC., *et al.*,)
Defendants.)

OPINION AND ORDER

This matter is before the Court on an Agreed Motion to Consolidate and to Vacate Deadlines [DE 85], filed on July 20, 2017. Defendant BNSF Logistics, LLC requests that this matter be consolidated for purposes of discovery with *Kaci Watson v. AJ Lines, Inc., BNSF Logistics, LLC, Abinet E. Kebede, and Baltic Freight Corp.*, Cause No. 2:17-CV-240-RL-APR. Also on July 20, 2017, BNSF Logistics, LLC filed a Notice of Motion to Consolidate in Cause Number 2:17-CV-240-RL-APR. BNSF Logistics, LLC represents that all parties in both cases agree to the Motion.

Federal Rule of Civil Procedure 42(a) provides that, “[i]f actions before the court involve a common question of law or fact, the court may . . . consolidate the actions.” Fed. R. Civ. P. 42(a)(2). Consolidation is appropriate for “cases that share the same questions of law or fact and where consolidation would not result in prejudice to any party.” *Back v. Carter*, 933 F. Supp. 738, 748 (N.D. Ind. 1996) (citing *Fleishman v. Prudential-Bache Sec., Inc.*, 103 F.R.D. 623, 624 (E.D. Wis. 1984)). Courts “consider such factors as judicial economy, avoiding delay, and avoiding inconsistent or conflicting results” as well as “as the possibility of . . . administrative difficulties.” *Habitat Educ. Ctr., Inc. v. Kimbell*, 250 F.R.D. 390, 394 (E.D. Wis. 2008). Consolidation “is a matter committed to the sound discretion of the trial judge.” *Canedy v. Boardman*, 16 F.3d 183, 185 (7th Cir. 1994).

Both lawsuits at issue bring claims of personal injury against the same defendants for the same alleged motor vehicle accident. Though the instant lawsuit was filed two years ago and the other case filed this year, an Amended Complaint was recently filed in the instant lawsuit. The Amended Complaint named BNSF Logistics, Inc. as a defendant for the first time. Having reviewed the Complaints in this case and in Cause Number 2:17-CV-240-RL-APR, the Court finds that the two cases have common issues of fact and common issues of law. Consolidation for the purposes of discovery will reduce the burden placed on witnesses, parties, and judicial resources.

Finding the motion well taken, the Court hereby **GRANTS** the Agreed Motion to Consolidate and to Vacate Deadlines [DE 85] and **ORDERS** consolidation of the instant litigation and 2:17-CV-240-RL-APR **for discovery purposes only**. The Court **INSTRUCTS** the parties to continue to file all future motions in both cases under separate cause numbers. The Court **VACATES** the pending deadlines. A hearing for the purpose of resetting the deadlines will be scheduled by separate order.

SO ORDERED this 25th day of July, 2017.

s/ Paul R. Cherry
MAGISTRATE JUDGE PAUL R. CHERRY
UNITED STATES DISTRICT COURT