

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

ANGELA SALINAS, Administrator of the)	
Estate of Emma Salinas,)	
Plaintiff,)	
)	
v.)	CAUSE NO.: 2:18-CV-374-JTM-JEM
)	
JAMILA HODGE and FRED GRANT,)	
Defendants.)	

OPINION AND ORDER

This matter is before the Court on a Motion to Consolidate [DE 29], filed by Plaintiff on May 15, 2019. Plaintiff requests that this case be consolidated with a case she filed against other defendants arising out of the same incident, captioned Angelina Salinas, Administrator of the Estate of Emma Salinas v. Indiana Department of Child Services, *et al.*, cause number 2:19-CV-153-JVB-JEM. She filed a Notice of Motion to Consolidate in the other case on June 24, 2019, and no responses to the motion have been filed in either cause number. There are currently three motions to dismiss pending in cause number 2:19-CV-153-JVB-JEM.

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. Bayh*, 933 F. Supp. 738, 748 (N.D. Ind. 1996) (citing *Fleishman v. Prudential-Bache Sec.*, 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 juror confusion or administrative difficulties.” *Habitat Educ. Ctr., Inc. v. Kimbell*, 250 F.R.D. 390, 394 (E.D. Wis. 2008).

The Court finds that the cases arise out of the same incident and there will be common

question of law and fact. Discovery has not yet begun in either case. Trying the cases separately would require duplication of efforts, both on behalf of the parties and of the Court, and might result in inconsistent results.

Accordingly, in the interest of judicial economy, the Court hereby **GRANTS** the Motion to Consolidate [DE 29] and **ORDERS** consolidation of cause numbers 2:18-CV-374-JTM-JEM and 2:19-CV-153-JVB-JEM. The Court **DIRECTS** the Clerk of Court to docket this Order in both cause number 2:18-CV-374-JTM-JEM and 2:19-CV-153-JVB-JEM and to transfer the following docket entries from cause number 2:19-CV-153-JVB-JEM to cause number 2:18-CV-374-JTM-JEM: [DE 37, 38, 47, 48, 51, 52, 53, 54, 55, 56, 62, 63, 64, 65].

All future filings shall be made in cause number 2:18-CV-374-JTM-JEM only.

The Court **REMINDS** Defendant Benchmark Family Services that the deadline to file its reply in support of its motion to dismiss is **September 18, 2019**, and it should be filed in 2:18-CV-374-JTM-JEM.

SO ORDERED this 13th day of September, 2019.

s/ John E. Martin
MAGISTRATE JUDGE JOHN E. MARTIN
UNITED STATES DISTRICT COURT

cc: All counsel of record