

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

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|--|---|--------------------------------|
| DAVID THARP, DOUG ROBINSON, WILLIAM NIX, |) | |
| JOE COAR, DOUGLAS J. McCARRON, and |) | |
| INDIANA/KENTUCKY/OHIO REGIONAL COUNCIL |) | |
| OF CARPENTERS, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | Case No. 1:12-cv-01870-TWP-DML |
| |) | |
| CATRON INTERIOR SYSTEMS, INC., |) | |
| |) | |
| Defendant. |) | |

ORDER DENYING MOTION FOR CONSOLIDATION OF CASES

This matter is before the Court on Plaintiffs' Motion for Consolidation of Case No. 1:14-cv-1359-TWP-TAB with the matter herein. ([Filing No. 55](#)). The Court being fully advised hereby **DENIES** the Motion.

Rule 42 (a) of the Federal Rules of Civil Procedure provides that:

When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters in issue in the actions; it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

The purpose of Rule 42(a) "is to give the court broad discretion to decide how cases on its docket are to be tried so that the business of the court may be dispatched with expedition and economy while providing justice to the parties." *Wright & A. Miller*, Federal Practice and Procedure, § 2381 (1971).


As noted by both parties, the Court has broad discretion in determining whether consolidation is practical. While it is true that there are common issues of law among the two cases, here, consolidation does not offer efficiency and convenience because the cases are at

different stages of litigation regarding discovery and factual issues and may involve different witnesses of fact. Case No. 1:12-cv-1870-TWP-DML is set for hearing on damages on October 1, 2015, and the only issue of fact concerns the results of the court ordered audits. On the other hand, a dispositive motion is pending and discovery is still ongoing in Case No. 1:14-cv-1359-TWP-TAB. Under these circumstances, the Court finds that consolidation would delay the efficient disposition of this case.

For these reasons Plaintiffs' Motion for Consolidation ([Filing No. 55](#)) is **DENIED**.

SO ORDERED.

Date: 8/19/2015



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

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