

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

SHERYL L. TOWNSON,	)	<b>CONSOLIDATED CASES</b>
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 18-2151-JWL
	)	
KAHN T. HUYNH,	)	
	)	
Defendant.	)	
_____	)	
	)	
SHERYL L. TOWNSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 18-2645-JWL
	)	
KHAHN T. HUYNH,	)	
	)	
Defendant.	)	
_____	)	

**ORDER**

On January 4, 2019, the defendant in these two actions, Kahn T. Huynh,<sup>1</sup> filed, in each action, a motion to consolidate the actions for all purposes, including for discovery

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<sup>1</sup> Defendant's first name is spelled differently in the caption of the two cases. Plaintiff should take steps to correct whichever spelling is erroneous.

and trial. The plaintiff in the actions, Sheryl L. Townson, has informed the court she does not oppose the motions.

Under Fed. R. Civ. P. 42(a), a court may consolidate or join for trial or hearing “any or all the matters at issue in the actions” if the actions involve a “common question of law or fact.” The decision whether to consolidate such actions is left to the sound discretion of the trial court.<sup>2</sup> In exercising its discretion, the court should take into consideration whether judicial efficiency is best served by consolidation.<sup>3</sup>

Case Nos. 18-2151 and 18-2645 clearly involve common questions of law and fact. The cases arise from the same nucleus of facts, namely, medical care provided to Shawn Erik Townson. Both assert claims of medical negligence. Counsel for the parties are the same in both actions. Judicial efficiency would be best served by consolidation of these cases for all purposes.

IT IS THEREFORE ORDERED that the motions to consolidate are granted. Case No. 18-2645 shall be consolidated for all purposes with Case No. 18-2151. The Clerk is directed to reassign Case No. 18-2645 to John W. Lungstrum, U.S. District Judge, and Gwynne E. Birzer, U.S. Magistrate Judge. Case No. 18-2151 shall be designated as the

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<sup>2</sup> *Ryan Transp. Servs., Inc. v. Fleet Logistics, L.L.C.*, No. Civ. A. 04-2445-CM, 2005 WL 2293598, at \*3 (D. Kan. Sept. 19, 2005) (citing *Shump v. Balka*, 574 F.2d 1341, 1344 (10th Cir. 1978)).

<sup>3</sup> *C.T. v. Liberal Sch. Dist.*, 562 F. Supp. 2d 1324, 1346 (D. Kan. 2008).

lead case. All future pleadings shall bear the consolidated caption on this order and shall be filed in only the lead case.

Dated January 7, 2019, at Kansas City, Kansas.

s/ James P. O'Hara

James P. O'Hara  
U.S. Magistrate Judge