

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

CONSOLIDATED CASES

WENDY HILLS,

Plaintiff,

v.

Case No. 20-4037-EFM

GERARD ARENSDORF,

Defendant.

BRENT HILLS,

Plaintiff,

v.

Case No. 20-4074-EFM

GERARD ARENSDORF,

Defendant.

ORDER OF CONSOLIDATION

On November 17, 2020, counsel in the above-captioned cases informally notified the court that the cases were candidates for consolidation. The court agrees the cases are factually and legally related and, therefore, should be consolidated for discovery and pretrial purposes.

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.¹ In exercising its discretion, the court should take into consideration whether judicial efficiency is best served by consolidation.²

Case Nos. 20-4037 and 20-4074 clearly involve common questions of law and fact. The defendant is the same in both cases and is represented by the same counsel in both. In both cases, the named plaintiffs, who are sister and brother, assert claims related to the alleged professional negligence of the defendant based on the estate planning services he provided their father. Counsel report they have worked together in anticipation of these two actions being consolidated and jointly participated in a Rule 26(f) planning conference on Friday, November 13, 2020. Judicial efficiency would be best served by consolidation of these cases for all discovery and pretrial purposes.

In consideration of the foregoing,

IT IS HEREBY ORDERED: Case No. 20-4074 shall be consolidated for pretrial and discovery purposes with Case No. 20-4037. The Clerk is directed to reassign Case No. 20-4074 to Eric F. Melgren, U.S. District Judge, and James P. O’Hara, U.S. Magistrate Judge. Case No. 20-4037 shall be designated as the lead case. All future pleadings, except

¹ 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)).

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

for those related to dispositive motions, shall bear the consolidated caption on this order and shall be filed in only the lead case. Any dispositive motions and other filings related to the same shall be filed in the specific case without a consolidated caption.

Dated November 18, 2020, at Kansas City, Kansas.

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