

UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF KENTUCKY  
 CENTRAL DIVISION at LEXINGTON

CIVIL ACTION NO. 5:08-CV-00459-KKC

GMAC MORTGAGE, LLC

PLAINTIFF,

v.

**OPINION AND ORDER**

SHANE HAFFEY and  
 HEATHER McKEEVER,

DEFENDANTS.

\* \* \* \* \*

The Court on its own motion considers whether to consolidate this action with *McKeever et al. v. Mortgage Electronic Registration Systems, Inc., et al.*, Case No. 5:08-CV-00456-KKC.

There are three other related actions currently pending before this Court. *See McKeever et al. v. Mortgage Electronic Registration Systems, Inc., et al.*, Case No. 5:08-CV-00456-KKC; *Haffey, et al. v. Mortgage Electronic Registration Systems, Inc., et al.*, Case No. 5:08-CV-00510-KKC; and *McKeever et al. v. Allen*, Case No. 5:09-CV-225-KKC. The Court has already granted Motions to Consolidate these other actions.

In deciding whether to consolidate cases under Federal Rule of Civil Procedure 42(a), the Court must consider “[w]hether the specific risks of prejudice and possible confusion are overborne by the risk of inconsistent adjudications of common factual and legal issues, the burden on parties, witnesses and available judicial resources posed by multiple lawsuits, the length of time required to conclude multiple suits as against a single one, and the relative expenses to all concerned of the single-trial, multiple-trial alternatives.” *Cantrell v. GAF Corp.*, 999 F.2d 1007, 1011 (6<sup>th</sup> Cir. 1993)(internal brackets and citations omitted). A court may consolidate related actions on its own, without a motion from a party. *In re N.Y. Cmty. Bancorp.*

*Inc. Sec. Litig.*, 448 F. Supp. 2d 466, 475-76 (E.D.N.Y. 2006) (citing *Devlin v. Transportation Communs. Int'l Union*, 175 F.3d 121, 130 (2d Cir. 1999)).

Upon consideration of the factors stated above, the Court on its own motion finds that consolidation is warranted.

Accordingly, the Court on its own motion ORDERS that this action is hereby consolidated with *McKeever et al. v. Mortgage Electronic Registration Systems, Inc., et al.*, Case No. 5:08-CV-00456-KKC, which is the oldest of these related actions.

In light of the consolidation of these actions and because they have already progressed to varying degrees, the parties are hereby ORDERED to confer regarding a revised scheduling order in this case consistent with an order entered simultaneously herewith.

Dated this 14<sup>th</sup> day of October, 2009.



**Signed By:**

**Karen K. Caldwell**

A handwritten signature in black ink, consisting of the initials "KCC" in a stylized, cursive font.

**United States District Judge**