

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION**

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BFI WASTE SERVICES, LLC

CIVIL ACTION NO. 10-984

VERSUS

JUDGE ELIZABETH ERNY FOOTE

CHARLES D. SKINNER, ET AL

MAGISTRATE JUDGE HORNSBY

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ERNEST GIBBS

CIVIL ACTION NO. 10-1404

VERSUS

JUDGE ELIZABETH ERNY FOOTE

CHARLES D. SKINNER, ET AL.

MAGISTRATE JUDGE HORNSBY

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**ORDER**

On December 16, 2010, the Court held a Scheduling Conference in the matter of BFI Waste Services, LLC v. Charles D. Skinner, et al, Civil Docket No. 10-984.

Defendants indicated they wish to consolidate this matter with Ernest Gibbs v. Charles D. Skinner, et al, Civil Docket No. 10-1404, which is also before this Court, as both cases arise out of the same motor vehicle accident.

Rule 42(a) of the Federal Rules of Civil Procedure provides, in relevant part, that “[i]f actions before the court involve a common question of law or fact, the court may...consolidate the actions...[or] issue any other orders to avoid unnecessary cost or delay.” A motion to consolidate is not required; rather, the Court may invoke Rule 42(a) sua sponte. Miller v. U.S. Postal Serv., 729 F.2d 1033, 1036 (5th Cir. 1984).


After reviewing the pleadings in both cases, the Court finds that the claims asserted therein arise out of the same motor vehicle accident and will present common

issues of law and fact. See Civil Docket No. 10-984, Record Document 1; Civil Docket No. 10-1404, Record Document 1. Accordingly, finding that consolidation is necessary in the interests of justice to avoid duplicative litigation and inconsistent results,

**IT IS ORDERED** that BFI Waste Services, LLC v. Charles D. Skinner, et al, Civil Docket No. 10-984 and Ernest Gibbs v. Charles D. Skinner, et al, Civil Docket No. 10-1404 be **CONSOLIDATED**.

The Clerk of Court is directed to consolidate these matters and designate BFI Waste Services, LLC v. Charles D. Skinner, et al, Civil Docket No. 10-984 as the lead case and Ernest Gibbs v. Charles D. Skinner, et al, Civil Docket No. 10-1404 as the member case.

**THUS DONE AND SIGNED** in Shreveport, Louisiana, on this 16th day of December, 2010.

  
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ELIZABETH ERNY FOOTE  
UNITED STATES DISTRICT JUDGE