

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

PATRICK J. HUGHES

Plaintiff,

v.

Civil Action No. RDB-16-806

J.P. MORGAN CHASE BANK, N.A., et al.,

Defendants.

and

PATRICK J. HUGHES

Plaintiff,

v.

Civil Action No. RDB-16-2311

J.P. MORGAN CHASE BANK, N.A., et al.,

Defendants.

* * * * *

MEMORANDUM ORDER

Currently pending in these related contract actions filed by *pro se* plaintiff Patrick J. Hughes (“Hughes” or “Plaintiff”) against defendants J.P. Morgan Chase Bank, Wells Fargo Bank, N.A., and DOES I through X (collectively “Defendants”) are several motions, including plaintiff’s Motion to Consolidate Cases (RDB-16-806, ECF No. 17). Defendants have filed a Limited Opposition to Plaintiff’s Motion for Leave to Consolidate. (RDB-16-806, ECF No. 20.) The parties’ submissions have been reviewed, and no hearing is necessary. *See* Local Rule 105.6 (D. Md. 2014). For the reasons that follow, Civil Action

No. RDB-16-806 and Civil Action No. RDB-16-2311 shall be consolidated, and this case shall proceed as set forth below.

DISCUSSION

I. Motion to Consolidate

Under Fed. R. Civ. P. 42(a), actions before the court may be consolidated when they “involve a common question of law or fact.” “District courts have broad discretion under F[ed]. R. Civ. P. 42(a) to consolidate causes pending in the same district.” *A/S J. Ludwig Mowinckles Rederi v. Tidewater Const. Co.*, 559 F.2d 928, 933 (4th Cir. 1977). Here, Civil Action No. RDB-16-806 and Civil Action No. RDB-16-2311 involve the same plaintiff, at least one common defendant, and arise from the same underlying transaction: the settlement agreement between plaintiff and defendant Chase. *See* RDB-16-806, ECF No. 1, RDB-16-2311, ECF No. 2. As these cases involve common questions of law and fact, they will be consolidated.¹ Accordingly, plaintiff’s Motion to Consolidate (RDB-16-806, ECF No. 17) is GRANTED.

II. Pending Motions to Dismiss

There are also two Motions to Dismiss pending in this case. (RDB-16-806, ECF No. 5; RDB-16-2311, ECF No. 11.) These motions will be resolved jointly subsequent to consolidation of the two cases.

¹ To be clear, this Order does not affect the ongoing foreclosure action in the Circuit Court for Baltimore City, which has not been filed in this Court and over which this Court has no jurisdiction. *See* RDB-16-806, ECF No. 5-4.

The Clerk of Court is directed to docket the Motion (ECF No. 5), Response in Opposition (ECF No. 10), and Reply (ECF No. 13) from Civil Action No. RDB-16-806 in the consolidated RDB-16-2311 case, where the Motion will remain pending.²

III. The Parties' Settlement Agreement

It is apparent from their filings that the parties entered into a Settlement Agreement in January 2016. *See* RDB-16-806, ECF No. 5-2; RDB-16-2311, ECF No. 2-1. However, the nature, scope, and terms of the Settlement Agreement remain undisclosed to the Court.

To aid the Court's resolution of the pending Motions to Dismiss—which, it appears, may hinge on the terms of the Settlement Agreement—the parties are directed to file a complete, unredacted copy of the Settlement Agreement with the Court. To preserve the confidentiality of the agreement, the filing shall be made under seal.

To expedite this filing, counsel for defendants shall file a complete, unredacted copy of the Settlement Agreement under seal via CM/ECF no later **5:00 p.m. on Friday, November 4, 2016**. In addition, counsel for defendants shall provide a copy of this submission to plaintiff.

² In light of the consolidation and subsequent filings in RDB-16-2311, plaintiff's Motion for Leave to File Sur-Reply (RDB-16-806, ECF No. 16) is DENIED.

CONCLUSION

For the reasons stated above, it is hereby ORDERED that:

1. Plaintiff's Motion to Consolidate Cases (RDB-16-806, ECF No. 17) is GRANTED;
2. Civil Action No. RDB-16-806 and Civil Action No. RDB-16-2311 are CONSOLIDATED, with RDB-16-2311 designated as the lead case;
3. The Clerk of Court SHALL DOCKET defendant's pending Motion to Dismiss, the Response in Opposition, and the Reply (RDB-16-806, ECF Nos. 5, 10, and 13) in Civil Action No. RDB-16-2311, where the Motion shall remain pending;
4. Plaintiff's Motion for Leave to File Sur-Reply (RDB-16-806, ECF No. 16) is DENIED;
5. The Clerk of Court shall CLOSE Civil Action No. RDB-16-806;
6. Counsel for defendants SHALL FILE UNDER SEAL a complete, unredacted copy of the parties' Settlement Agreement no later than **5:00 p.m. on Friday, November 4, 2016**;
7. Counsel for defendants SHALL TRANSMIT to plaintiff a copy of their sealed filing of the Settlement Agreement;
8. The Clerk of the Court SHALL TRANSMIT a copy of this Memorandum Order to Plaintiff;
9. The parties are directed to make any future filings in Civil Action No. RDB-16-2311 ONLY.

Dated: November 2, 2016

_____/s/_____
Richard D. Bennett
United States District Judge