

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

GREATER ST. LOUIS CONSTRUCTION)
LABORERS WELFARE FUND, et al.,)
)
Plaintiffs,)
)
v.)
)
APEX CONTRACTING, INC.,)
)
Defendant..)

No. 4:10-CV-206 CAS

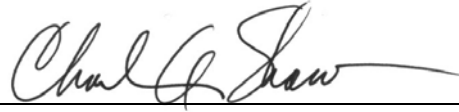
MEMORANDUM AND ORDER

This matter is before the Court on movant J.E. Novack Construction Co. Inc.’s motion to consolidate the above-captioned cause of action with J.E. Novack Construction Co. Inc. v. Apex Contracting Inc., et al., No. 4:11-CV-800 TIA, which is currently pending before the Honorable Terry I. Adleman. Having reviewed the case files in the instant action and in J.E. Novack Construction Co. Inc. v. Apex Contracting Inc., et al., No. 4:11-CV-800 TIA, the Court finds consolidation of the two actions is not appropriate because there are few, if any common questions of law and fact at issue. See Federal Rule of Civil Procedure 42(a). That said, the two cases are interconnected. Because the undersigned is familiar with the circumstances of the cases, the Court will order that the Clerk of Court transfer J.E. Novack Construction Co. Inc. v. Apex Contracting Inc., et al., No. 4:11-CV-800 TIA to the undersigned for the purpose of promoting judicial efficiency.

Accordingly,

IT IS HEREBY ORDERED that movant J.E. Novack Construction Co. Inc.’s motion to consolidate is **DENIED**. [Doc. 28]

IT IS FURTHER ORDERED that the Clerk of Court shall transfer J.E. Novack Construction Co. Inc. v. Apex Contracting Inc., et al., No. 4:11-CV-800 TIA to the undersigned judge for further pretrial proceedings and trial.

A handwritten signature in black ink, appearing to read "Charles A. Shaw", written over a horizontal line.

CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 13th day of June, 2011.