

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MANNY LOPEZ,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:11-CV-891 (CEJ)
)	
UNITED STATES OF AMERICA and)	
SHEA PYRON,)	
)	
Defendants.)	

SHEA PYRON,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:11-CV-1387 (CEJ)
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on the motion of defendant United States to consolidate. Plaintiff Manny Lopez has filed a response in which he consents to consolidation for discovery but opposes consolidation for trial.

Plaintiff Lopez filed suit against the United States and Shea Pyron for injuries he sustained when a vehicle driven by Pyron in which he was a passenger was struck by a United States Postal Service truck. Lopez asserts a claim under the Federal Tort Claims Act (FTCA), 28 U.S.C. §§ 2671 *et seq.*, against the United States and a state-law negligence claim against Pyron. Pyron has also brought a separate FTCA action against the United States arising from the same accident.

Rule 42(a), Fed. R. Civ. P., provides that a court may consolidate actions involving common questions of law or fact. It is undisputed that the two lawsuits here involve common questions of law and fact. However, Lopez objects to consolidation of the cases for trial because his damages are “wholly distinct and separate from” Pyron’s damages. (Doc. #17, p. 2). The fact that Lopez and Pyron suffered different injuries is not a sufficient reason to deny consolidation of the cases for trial. There is no reason to believe that the trier of fact will be unable to distinguish between the damages claimed by each plaintiff. The Court finds that consolidation is in the interest of judicial economy and would not result in any prejudice to the plaintiffs.

Accordingly,

IT IS HEREBY ORDERED that defendant’s motion to consolidate [Doc#16] is granted.

IT IS FURTHER ORDERED that Shea Pyron v. United States, No. 4:11-CV-1387 (CEJ) is consolidated with Manny Lopez v. United States and Shea Pyron, No. 4:11-CV-891 (CEJ).

IT IS FURTHER ORDERED that, henceforth, all pleadings and other documents in this matter shall be filed in Manny Lopez v. United States and Shea Pyron, No. 4:11-CV-891 (CEJ).



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 11th day of January, 2012.