

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

CHRISTIAN BALLARD, et al.,            )  
                                                  )  
          Plaintiffs,                    )  
                                                  )  
          vs.                            ) Case No. 4:14CV1267 CDP  
                                                  )  
NATIONAL FOOTBALL LEAGUE        )  
PLAYERS ASSOCIATION, et al.,       )  
                                                  )  
          Defendants.                    )

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NEIL SMITH, et al.,                    )  
                                                  )  
          Plaintiffs,                    )  
                                                  )  
          vs.                            ) Case No. 4:14CV1559 ERW  
                                                  )  
NATIONAL FOOTBALL LEAGUE        )  
PLAYERS ASSOCIATION, et al.,       )  
                                                  )  
          Defendants.                    )

**MEMORANDUM AND ORDER**

Defendants have filed a motion to consolidate these cases, currently pending before two judges in this district. Under Rule 42(a) of the Federal Rules of Civil Procedure, actions involving a common question of law or fact may be consolidated.

The plaintiffs in both the *Ballard* and *Smith* case opposed consolidation on the grounds that the *Smith* plaintiffs sought remand for lack of subject-matter jurisdiction. That motion has been denied. *See* Order dated December 2, 2014, Case No. 4:14CV1559 ERW, ECF Doc. 34.

Because these cases involve common parties, as well as related legal and factual issues, I will grant the motion to consolidate these cases for all pretrial purposes. At a later date, I will reconsider whether consolidation of these cases for trial is appropriate.

Accordingly,

**IT IS HEREBY ORDERED** that defendants' motion to consolidate [#15] is GRANTED.

**IT IS FURTHER ORDERED** that the following cases are consolidated and reassigned to me for all pretrial purposes: 4:14CV1267 CDP and 4:14CV1559 ERW.

**IT IS FURTHER ORDERED** that the Clerk's office shall reassign case number 4:14CV1559 to me, and the parties shall use the case number 4:14CV1559 CDP for any filings in that individual case. If the cases are not ultimately consolidated for trial, it will be reassigned again, if appropriate.

**IT IS FINALLY ORDERED** that until further order from this court, all filings related to discovery or scheduling in this matter shall be filed only in

4:14CV1267 CDP. Any motions relating to pleadings, class certification, *Daubert* challenges, or summary judgment shall be filed in the individual cases.

  
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CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 16th day of March, 2015.