

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ANNETTE J. BORCHARDT,)	
)	
Plaintiff,)	4:09CV3013
)	
v.)	
)	
JEFFERY A. GOHSMAN and CRST)	MEMORANDUM AND ORDER
INTERNATIONAL, INC., A)	
Corporation,)	
)	
Defendants.)	
)	

A motion has been filed in this case (4:09cv3013) seeking consolidation of this case with 4:08cv3033, a case between the same parties and arising from the same motor vehicle accident as that alleged in this case. Although all parties have been served with the motion through counsel¹, no party has opposed the motion. Fed. R. Civ. P. 42 provides for the consolidation of cases when they involve "a common issue of law or fact," and it is clear that threshold is met in this circumstance.² Consolidation might affect timing, as the first-filed case is currently set for trial before Judge Kopf in July 2009; the second-filed case, 4:09cv3013, has not yet been scheduled. I shall direct counsel to confer and notify me of their views respecting the scheduling of a joint trial.

¹ Omaha counsel for Cynthia L. Folkers were not served, but Lincoln counsel for this person were served.

² In fact, the second-filed case, 4:09cv3013, should have been noted as a "related" case at the time of its filing, but was not.

IT THEREFORE HEREBY IS ORDERED:

The motion, filing no. 12 in 4:09cv3013, is granted, and

1. A copy of this memorandum and order shall be filed in 4:08cv3033, and provided to the assigned district judges.

2. A copy of this memorandum and order, together with applicable docket sheets, shall be provided to Chief Judge Bataillon, so he may reassign them in accordance with NEGenR 1.4(4).

3. Within three weeks after reassignment has been completed, counsel shall confer and inform the undersigned by letter of their joint, or if necessary, separate, views on when the consolidated trial, final pretrial conference, and appropriate deadlines may be set. Alternatively, counsel may request a conference with the undersigned for this purpose by telephoning my judicial assistant, Carol Reitz, at 402-437-1670. Additional scheduling orders may be entered following such procedure.

DATED this 18th day of March, 2009.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge