

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOAN O'MEARA, et. al.,)

Plaintiffs,)

v.)

DAVE HEINEMAN, et. al.,)

Defendants.)

8:09CV157

MEMORANDUM AND ORDER

CLAUDIE SIRES, Personal)
Representative of the Estate of Claudia)
Wright,)

Plaintiff,)

V.)

DAVE HEINEMAN, et. al.,)

Defendants.)

4:10CV3020

GARRY WHEELER, Personal)
Representative of the Estate of Sara)
Schnell,)

Plaintiff,)

V.)

DAVE HEINEMAN, et. al.,)

Defendants.)

4:10CV3021

The defendants moved to consolidate the above-captioned cases, and thereafter the parties jointly stipulated to consolidation. The defendants have also filed an unopposed motion to continue the deadline for filing an answer or response to plaintiffs' complaints.

The above-captioned cases involve common questions of law and fact, and the plaintiffs are represented by the same plaintiffs' counsel. Consolidating the cases and extending the deadline for responding to plaintiffs' complaints and for filing the parties' Rule 26(f) Report will serve the the interests of justice and judicial economy.

Accordingly,

IT IS ORDERED that case number 8:09CV157, filing nos. 36, 37, and 38; case number 4:10CV3020, filing nos. 6, 7, and 8; and case number 4:10CV3021, filing nos. 6, 7, and 8, are granted, and

1) The following cases are consolidated for discovery and trial purposes:

8:09CV157 O'Meara, et. al. v. Heineman, et. al.
4:10CV3020 Sires v. Heineman, et. al.
4:10CV3021 Wheeler v. Heineman, et. al.

2) Case number 8:09CV157, O'Meara, et. al. v. Heineman, et. al. is hereby designated as the "Lead Case." The remaining cases, (4:10CV3020 and 4:10CV3021) are hereby designated as the "Member Cases."

3) The court's CM/ECF System now has the capacity for "spreading" text among the consolidated cases. If properly docketed, the documents filed in the Lead Case will automatically be filed in all Member Cases. To this end, the parties are instructed to file in the Lead Case, 8:09CV157, all further documents except those described in paragraph 4 and to select the option "yes" in response to the System's question of whether to spread the text.

4) The parties may not use the spread text feature to file complaints, amended complaints, and answers; to pay filing fees electronically using pay.gov; to file items related to service of process; or to file notices of appeal.

- 5) If a party believes that an item in addition to those described in paragraph 4 should not be filed in all the consolidated cases, the party must move for permission to file the item in one or more individual member cases. The motion must be filed in all the consolidated cases using the spread text feature.
- 6) On or before March 10, 2010, the defendants shall answer or otherwise respond to the plaintiffs' complaints.
- 7) The Rule 26(f) Report of Parties' Planning Conference shall be filed on or before April 2, 2010.

DATED this 3rd day of March, 2010.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge