

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FERMIN CORTEZ, on behalf of)	
themselves and all other similarly)	
situated individuals, et al.,)	8:08CV90
)	
Plaintiffs,)	
)	ORDER
v.)	
)	
NEBRASKA BEEF, INC., and)	
NEBRASKA BEEF, LTD.,)	
)	
Defendants.)	
_____)	

AVID CHUOL, on behalf of himself and)	
all other similarly situated individuals,)	
)	8:08CV99
Plaintiff,)	
)	
v.)	
)	ORDER
NEBRASKA BEEF, Ltd.,)	
)	
Defendant.)	
_____)	

This matter is before the court on a number of motions: defendants’ motion for reconsideration, Filing No. [345](#); defendants’ motion for consolidation, Filing No. [351](#); and plaintiffs’ motion for discovery, Filing No. [359](#), all in case 8:08CV90. These same motions are filed in case number 8:08CV99, as Filing Nos. 454 (reconsideration) and 460 (consolidate). The court will refer to the documents in 8:08CV90, as it is the lead case.

Motion for Reconsideration, Filing No. 345

Defendants move this court for reconsideration of the court’s referral to the United States Attorney for review of matters that arose in this case. The court has previously

addressed this issue in Filing No. [363](#), Order dated August 2, 2011. The defendants thereafter filed a reply brief, but the arguments raised no new issues that need to be revisited by this court. The court made the referral. It is up to the United States Attorney's Office to determine whether to proceed or not. Accordingly, the court will deny this motion.

Motion for Discovery, Filing No. 359

During the hearing on August 2, 2011, plaintiffs made an oral motion for discovery. The court denied it at that time without prejudice to reassertion at a later date. Filing No. [363](#). Accordingly, this motion is denied as moot. However, if the plaintiffs have not received the documents as ordered in Filing No. [363](#), the plaintiffs are free to motion this court for appropriate relief.

Motion for Consolidation, Filing No. 351

Defendants move this court to permit consolidation of these two cases with the case of *George Gully, etc. v. Ken Bell*, 8:10CV308. Defendants contend that these cases have common questions of law and fact with similar evidence likely at trial. Defendants further assert that such consolidation will not result in inconvenience, cost or prejudice, nor will it delay the trial. Further, these three cases involve the same counsel. However, plaintiffs argue that this is another delay tactic. The *Gully* case had undergone no discovery at the time of this motion nor had it undergone class certification proceedings. It was filed approximately two years after the cases currently before the court. Plaintiffs argue it will delay the trial even further. The court has carefully reviewed the cases and finds that this motion should be denied for all the reasons stated by the plaintiffs.

THEREFORE, IT IS ORDERED:

1. The motion for reconsideration, Filing No. [345](#), is denied.
2. The motion for discovery, Filing No. [359](#), is denied.
3. The motion to consolidate, Filing No. [351](#), is denied.

DATED this 1st day of November, 2011.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge

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