

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

DAVID D. INGWERSEN,)	
)	
Plaintiff,)	8:09CV249
)	
vs.)	ORDER
)	
PLANET GROUP, INC., and WEST PARTNERS LLC,)	
)	
Defendants,)	
)	
and)	
)	
PLANET GROUP, INC.,)	
)	
Plaintiff,)	8:09CV263
)	
vs.)	ORDER
)	
DAVID INGWERSEN,)	
)	
Defendant.)	

This matter is before the court on David Ingwersen's Motion to Consolidate ([Filing No. 4](#), in case 8:09CV249; [Filing No. 6](#), in case 8:09CV263) and Amended Motion to Consolidate ([Filing No. 7](#), in case 8:09CV263). Mr. Ingwersen filed briefs in support of his motions. Planet Group, Inc. has no objection to the motion to consolidate. **See** [Filing No. 10](#), in case 8:09CV263. West Partners LLC did not respond to the motions.

Mr. Ingwersen is the plaintiff in the earlier filed action and the defendant in the later filed action. Mr. Ingwersen represents both cases are based on the same transactions and facts, with common questions of law. Further, Mr. Ingwersen contends separate proceedings would result in unnecessary cost and delay. The complaints show the cases relate to the same Share Purchase Agreement, employment agreement, and the buyout of stock subsequent to Mr. Ingwersen's employment by Planet Group, Inc. Mr. Ingwersen states the complaints essentially crossed in the mail, but involve the same contract documents and potential witnesses. The court has reviewed the filings in both cases and it appears the cases may be consolidated, pursuant to [Fed. R. Civ. P. 42\(a\)](#), as both cases

arise out of the same set of facts and are subject to the same legal standards. See [EEOC v. HBE Corp.](#), 135 F.3d 543, 551 (8th Cir. 1998). Upon consideration,

IT IS ORDERED:

1. David Ingwersen's Motion to Consolidate ([Filing No. 4](#), in case 8:09CV249; [Filing No. 6](#), in case 8:09CV263) and Amended Motion to Consolidate ([Filing No. 7](#), in case 8:09CV263) are granted as set forth herein.

2. ***David D. Ingwersen v. Planet Group, Inc., et al.***, 8:09CV249, and ***Planet Group, Inc. v. David D. Ingwersen***, 8:09CV263 are hereby consolidated for all purposes.

3. Counsel shall conduct discovery as if these consolidated cases are part of a single case. All future filings shall contain the consolidated case caption, which appears on this order, and shall be served on counsel in both cases as described below.

4. Case No. 8:09CV249 is hereby designated as the "Lead Case." Case No. 8:09CV263 is hereby designated as the "Member Case."

5. The court's CM/ECF System 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 all further documents (except those described in paragraph 6) in the Lead Case, No. 8:09CV249, and to select the option "yes" in response to the System's question whether to spread the text.

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

7. If a party believes that an item in addition to those described in paragraph 6 should not be filed in all the consolidated cases, the party must move for permission to file the item in one or more member cases. The motion must be filed in all the consolidated cases using the spread text feature.

DATED this 1st day of September, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge