

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