

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ZEPHYR RAIL SERVICES, L.L.C.,

Plaintiff,

vs.

PETER J. MESSINAJR., and  
CHARLES C. JENSEN,

Defendants.

**8:16CV428**

**ORDER**

Defendant Charles C. Jensen has moved to consolidate the above-captioned cases for all stages of the case prior to appeal, including trial. The cases involve common questions of law and fact, and the counsel of record are the same. Consolidating the cases will serve the interests of justice and judicial economy. Plaintiff has filed no opposition to the motion to consolidate, and the deadline for responding has passed. The motion is deemed unopposed.

Accordingly,

IT IS ORDERED that the motion to consolidate, (Filing No. 39), is granted, and

- 1) The following cases are consolidated for all stages of the case prior to appeal, including trial:

8:16-cv-00428-JMG-CRZ

Zephyr Rail Services, L.L.C. v. Messina et al

8:17-cv-00084-JMG-CRZ

Zephyr Rail Services, L.L.C. et al v. National Passenger  
Car Repair, L.L.C. et al

- 2) 8:16-cv-00428-JMG-CRZ Zephyr Rail Services, L.L.C. v. Messina et al is hereby designated as the "Lead Case," and 8:17-cv-00084-

JMG-CRZ Zephyr Rail Services, L.L.C. et al v. National Passenger Car Repair, L.L.C. et al is designated as a “Member Case.”

- 3) The court's CM/ECF System has the capacity for “spreading” text among consolidated cases. If properly docketed, the documents filed in the Lead Case will automatically be filed in the Member Case. To this end, the parties are instructed to file in the Lead Case, 8:16-cv-00428-JMG-CRZ Zephyr Rail Services, L.L.C. v. Messina et al, 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 both of these consolidated cases, the party must move for permission to file the item in only one of the cases. The motion must be filed in both of the consolidated cases using the spread text feature.

April 12, 2017.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge