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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**
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7 KEVIN ZIMMERMAN,)

8 Plaintiff,)

9 vs.)

10 NEVADA CVS PHARMACY, LLC,)

11 Defendant.)
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Case No. 2:17-cv-00307-GMN-GWF

ORDER

13 This matter is before the Court on the parties' Joint Motion to Consolidate Cases (ECF No.
14 26), filed on June 27, 2017.

15 Federal Rule of Civil Procedure 42(a) provides that "[i]f actions before the court involve
16 common questions of law or fact, the court may (1) join for hearing or trial any or all matters at issue
17 in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or
18 delay." The Court has broad discretion in determining whether to consolidate actions involving
19 common questions of law or fact. *Krause v. Nevada Mut. Ins. Co.*, Case No. 2:12-cv-00342-JCM-
20 GWF, 2013 WL 6524657 at *3 (D. Nev. 2012). "Consolidation requires only a common question of
21 law or fact; perfect identity between all claims in any two cases is not required." *Firefighters, Local*
22 *1908 v. County of Clark*, 2012 WL 1986590 at *2 (D. Nev. 2012). The Court must weigh "the
23 interest of judicial convenience against the potential for delay, confusion and prejudice caused by
24 consolidation." *Firefighters*, 2012 WL 1986590 at *2 (quoting *Sw. Marine, Inc. v. Triple A Mach.*
25 *Shop, Inc.*, 720 F.Supp. 805, 807 (N.D.Cal. 1989)).

26 On balance, the Court finds that consolidation, and the corresponding benefits (judicial
27 economy and ability to avoid inconsistent verdicts), outweighs any inconvenience, delay, confusion,
28 or prejudice that may result. The five cases the parties wish to consolidate all arise under Title III of

1 the Americans with Disabilities Act and involve the same Plaintiff as well as the same or similar
2 Defendants. In addition, these cases have all already been assigned to Chief Judge Navarro and the
3 undersigned. Because there are sufficient common questions of law or fact present in these actions,
4 the interests of judicial economy are supported by consolidation. The Court, however, reserves the
5 right to order separate trials if appropriate. Accordingly,

6 **IT IS HEREBY ORDERED** that the parties' Joint Motion to Consolidate Cases (ECF No.
7 26) is **granted**.

8 **IT IS FURTHER ORDERED** that the parties' Joint Motion to Consolidate Cases (ECF No.
9 23) in Case No. 2:17-cv-00523-GMN-GWF is **granted**.

10 **IT IS FURTHER ORDERED** that the parties' Joint Motion to Consolidate Cases (ECF No.
11 20) in Case No. 2:17-cv-00538-GMN-GWF is **granted**.


12 **IT IS FURTHER ORDERED** that the parties' Joint Motion to Consolidate Cases (ECF No.
13 24) in Case No. 2:17-cv-00600-GMN-GWF is **granted**.

14 **IT IS FURTHER ORDERED** that the parties' Joint Motion to Consolidate Cases (ECF No.
15 10) in Case No. 2:17-cv-01357-GMN-GWF is **granted**.

16 **IT IS FURTHER ORDERED** that *Zimmerman v. Nevada CVS Pharmacy, LLC*, Case No.
17 2:17-cv-00523-GMN-GWF; *Zimmerman v. Nevada CVS Pharmacy, LLC*, Case No. 2:17-cv-00538-
18 GMN-GWF; *Zimmerman v. Warm Springs Road CVS, LLC*, Case No. 2:17-cv-00600-GMN-GWF;
19 and *Zimmerman v. Warm Springs Road CVS, LLC*, Case No. 2:17-cv-01357-GMN-GWF, shall be
20 consolidated with this case.

21 **IT IS FURTHER ORDERED** that all future filings shall be filed in this case only.

22 DATED this 17th day of August, 2017.

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24 
25 GEORGE FOLEY, JR.
26 United States Magistrate Judge
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