Wu v. Jewell Doc. 67

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

LIMING WU,

No. 14cv150 RB/WPL

Plaintiff,

Consolidated with:

v.

No. 17cv113 MV/LF and No. 18cv813 SCY

SALLY JEWELL, Secretary of Department of Interior, Bureau of Land Management,

Defendant.

MEMORANDUM OPINION AND ORDER CONSOLIDATING CASES

THIS MATTER comes before the Court *sua sponte*.

Plaintiff filed this case on February 18, 2014, asserting claims of discrimination based on race/national origin and age, unlawful employment practices pursuant to the New Mexico Human Rights Act, negligence, and retaliation arising from her employment with the Bureau of Land Management from 2010 to 2013. (See Doc. 4 (Am. Compl.).) In August 2015, the Court entered its Stipulated Order dismissing with prejudice all claims brought, or which could have been brought, against Defendant, and entered an Order granting Defendant's unopposed motion to enforce the settlement agreement between the Parties. (See Docs. 55; 57.) Plaintiff subsequently filed a motion to set aside the Stipulated Order of Dismissal and a motion to set aside the settlement agreement and the Order granting Defendant's motion to enforce the settlement agreement. (See Docs. 58; 65.) Both motions are pending.

On January 23, 2017, Plaintiff initiated a second case against Sally Jewell and others asserting claims of discrimination, retaliation, and negligence, among others, arising from her employment with the Bureau of Land Management from 2010 to 2015. *See Wu v. Jewell*, No. 17cv113 MV/LF, 3d Am. Compl. (D.N.M. Oct. 27, 2017). In this second case, Plaintiff has filed

two motions, still pending, to set aside the Stipulated Order dismissing her first case and to set

aside the settlement agreement and the Order granting Defendant's motion to enforce the

settlement agreement in her first case.

On August 27, 2018, Plaintiff initiated a third case pursuant to the Federal Tort Claims

Act asserting a claim for negligence arising from her employment with the Bureau of Land

Management from 2010 to 2015. See Wu v. Seidlitz, 18cv813 SCY, Compl. (D.N.M. Aug. 27,

2018).

Federal Rule of Civil Procedure 42(a) allows the Court to consolidate actions that involve

a common question of law or fact. Factors the Court considers when determining whether to

consolidate cases include: (i) interests of justice; (ii) expeditious results; (iii) conservation of

resources; and (iv) avoiding inconsistent results. See 8 Moore's Federal Practice § 42.10(4) (3d

ed. 2018).

The Court will consolidate Wu v. Jewell, No. 17cv113 MV/LF (D.N.M.) and Wu v.

Seidlitz, 18cv813 SCY (D.N.M.) with this case, Wu v. Jewell, No. 14cv150 RB/WPL (D.N.M.),

because the facts in each case are substantially the same, and because the cases involve similar

questions of law such as discrimination and negligence. Consolidating the cases will expedite

the resolution of the cases, will conserve the resources of the Parties and the Court, and may

avoid inconsistent results, without risk of prejudice or confusion.

All future filings for any of the consolidated cases shall be filed in Wu v. Jewell, No.

14cv150 RB/WPL.

IT IS SO ORDERED.

ROBERT C. BRACK

SENIOR U.S. DISTRICT JUDGE

2