

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

HUMAN RIGHTS DEFENSE CENTER,
a not-for-profit corporation,

Plaintiff,

v.

(1) SANTA FE COUNTY, NM;

(2) DEREK WILLIAMS, Warden,
individually and in his official capacity;

(3) MICHAEL OLIVER, Deputy Warden,
individually and in his official capacity;

(4) CARLOS MARKMAN-LOPEZ,
Major, individually and in his official
capacity, and;

(5) JOHN AND JANE DOES 1-10, Staff,
individually and in their official
capacities,

Defendants.

No. 1:18-cv-00305-PJK-SCY

ORDER DENYING MOTION TO CONSOLIDATE


THIS MATTER came on for consideration of Defendant Board of County Commissioners of the County of Santa Fe’s Motion to Consolidate filed May 11, 2018 (ECF No. 18), seeking to consolidate this case with No. 1:18-cv-00355-JAP-SCY,

Human Rights Defense Center v. San Miguel County. Upon consideration thereof, the motion is not well taken and should be denied. The court's ruling is based upon the motion and response (ECF Nos. 18 & 30); the movant did not file a timely reply nor indicate that a new deadline had been agreed to by the parties, accordingly, the movant is deemed to have consented that briefing is complete. D.N.M. LR-Civ. 7.1(b), 7.4(a).

Defendant seeks consolidation of all pretrial matters, including discovery and a settlement conference, with separate trials for each action. Although Fed. R. Civ. P. 42(a) provides for consolidation of actions as to "common question[s] of law or fact," the court simply is not persuaded that consolidation of pretrial matters is appropriate given different governmental entity and individual defendants in each case, particularly given factual and legal differences as the cases develop. See ECF No. 30, at 3. Defendant argues that the potential for inconsistent pretrial rulings exists, but such a general concern does not outweigh the court's reluctance to combine what amounts to institutional reform litigation involving different entities.

NOW, THEREFORE, IT IS ORDERED THAT Defendant Board of County Commissioners of the County of Santa Fe's Motion to Consolidate filed May 11, 2018 (ECF No. 18) is denied.

DATED this 12th day of June, 2018, at Santa Fe, New Mexico.


United States Circuit Judge
Sitting by Designation