

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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LIFE INSURANCE COMPANY OF NORTH AMERICA

Plaintiff

vs.

6:09-CV-11  
(DNH/GJD)

JAN NESOM, et al.

Defendants.

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SCOTT A. BARBOUR, ESQ. for Defendant Nesom  
MARC H. GOLDBERG, ESQ. for Defendants Straney

NORTH AMERICAN COMPANY FOR LIFE  
AND HEALTH INSURANCE

Plaintiff

vs.

6:09-CV-1118  
(DNH/GJD)

JAN NESOM, et al.

Defendants.

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SCOTT A. BARBOUR, ESQ. for Defendant Nesom  
MARC H. GOLDBERG, ESQ. for Defendants Straney

**ORDER**

Presently before the court is a letter motion from Attorney Goldberg that requests that this case be consolidated with another case. (Dkt. No. 22). The letter motion also includes new deadlines for both cases. *Id.*

On November 12, 2009, the court conducted a telephone conference. Both cases were filed by insurance companies and involve the disbursement of life insurance proceeds to beneficiaries of decedent James B. Straney. Both life insurance companies have deposited the proceeds of the policies with the court. The possible beneficiaries and their respective attorneys are the same in both cases. The

court finds good cause to consolidate the cases.

**WHEREFORE** it is hereby

**ORDERED**, that the letter motion (Dkt. No. 22) is **GRANTED**, and the clerk shall consolidate the two cases; and it is further

**ORDERED**, that the earlier case, Life Insurance Company of North America v. Nesom, et al., 6:09-CV-11 (DNH/GJD), be designated as the **LEAD CASE** in this litigation, and the later case, North American Company for Life and Health Insurance v. Nesom, et al., 6:09-CV-1118 (DNH/GJD), be designated as the **MEMBER CASE**; and it is further

**ORDERED**, that the two cases shall be tried at the same time; and it is further

**ORDERED**, that the deadlines in the Uniform Pretrial Scheduling Order in 6:09-CV-11 be modified as follows, and made applicable in both cases:

Complete Discovery	5/3/2010
Identification of expert(s) & report(s) served	2/9/2010
Rebuttal Expert(s) & report(s) served	3/3/2010
Expert Preclusion Motion(s) served	6/1/2010
Dispositive Motion(s) served	6/1/2010
Trial Ready Date (if no dispositive motions)	7/30/2010

and it is further

**ORDERED**, that the parties review and abide by Local Rule 7.1(b)(2) when engaging in non-dispositive motion practice.

Date: November 19, 2009

  
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Hon. Gustave J. DiBianco  
U.S. Magistrate Judge