

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>10/5/09</u>

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LASALLE BANK NATIONAL
ASSOCIATION, ET AL.,

Plaintiff,

-against-

BETHANY HOLDINGS GROUP LLC, et al.,

Defendants.

09 Civ. 5359 (PGG)
09 Civ. 5365 (PGG)
09 Civ. 5368 (PGG)
09 Civ. 5369 (PGG)
09 Civ. 5370 (PGG)
09 Civ. 5371 (PGG)
09 Civ. 5373 (PGG)

ORDER

PAUL G. GARDEPHE, U.S.D.J.:

Fed. R. Civ. P. 42(a) provides that a district court may consolidate “actions involving a common question of law or fact.”

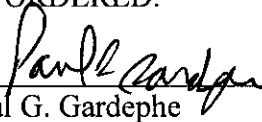
“A determination on the issue of consolidation is left to the sound discretion of the court,” In re UBS Auction Rate Sec. Litig., No. 08 Civ. 2967 (LMM), 2008 U.S. Dist. LEXIS 56016, at *4 (S.D.N.Y. July 16, 2008) (quoting Albert Fadem Trust v. Citigroup Inc., 239 F. Supp. 2d 344, 347 (S.D.N.Y. 2002)), and involves weighing considerations of convenience, judicial economy and cost reduction while insuring that the “paramount concern for a fair and impartial trial” is honored. Johnson v. Celotex Corp., 899 F.2d 1281, 1285 (2d Cir. 1990).

The seven above captioned cases are actions for breach of contract arising out of guaranty agreements tied to commercial real estate. Though the cases involve different parcels of commercial real estate, the nature of the claims is essentially the same in each action and the parties are substantially similar. Accordingly, pursuant to Rule 42(a), the seven actions listed below are consolidated for discovery purposes.

The Clerk of the Court is directed to consolidate the seven above-captioned cases under the first case filed, 09 Civ. 5359 (PGG). The Clerk of this Court shall file a copy of this Order in the separate file for each of the above-captioned cases.

Dated: New York, New York
October 2, 2009

SO ORDERED.



Paul G. Gardephe
United States District Judge