

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MUTINTA MICHELO, et al.,

Plaintiffs,

- against -

NATIONAL COLLEGIATE STUDENT
LOAN TRUST 2007-2, et al.,

Defendants.

CHRISTINA BIFULCO, et al.,

Plaintiffs,

-against-

NATIONAL COLLEGIATE STUDENT
LOAN TRUST 2004-2, et al.,

Defendants.

ORDER

18 Civ. 1781 (PGG)

18 Civ. 7692 (PGG)

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

In an October 22, 2019 letter, Defendants asked this Court to direct Plaintiffs to file a Consolidated Complaint. (Michelo Dkt. No. 110; Bifulco Dkt. No. 62) In an October 29, 2019 letter, Plaintiffs contend that a consolidated complaint is premature and unnecessary.

(Michelo Dkt. No. 115; Bifulco Dkt. No. 65)

These actions were previously consolidated on consent. On November 7, 2018, this Court ordered the parties to submit letters addressing whether the actions should be consolidated. (Michelo Dkt. No. 67; Bifulco Dkt. No. 30) On November 27, 2018, following a November 20, 2018 conference, the parties submitted a joint letter, stating that “[t]he Parties support the Court’s consolidation of the Michelo and Bifulco actions pursuant to Rule 42.”

(Michelo Dkt. No. 72; Bifulco Dkt. No. 33) On November 29, 2018, this Court ordered the above-captioned cases consolidated pursuant to Rule 42 and issued a Consolidated Amended Civil Case Management Plan and Scheduling Order. (Michelo Dkt. Nos. 73, 74; Bifulco Dkt. Nos. 34, 35)

Given that this Court ordered these actions consolidated in November 2018, and that the operative complaints are “functionally identical,” (see Oct. 29, 2019 Pltf. Ltr. (Michelo Dkt. No. 115; Bifulco Dkt. No. 65) at 1), it is appropriate for this action to proceed on the basis of a Consolidated Complaint. The Consolidated Complaint is to be filed by **December 10, 2019**. The Answer to the Consolidated Complaint is due by **December 20, 2019**.

Dated: New York, New York
December 3, 2019

SO ORDERED.



Paul G. Gardephe
United States District Judge