

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

VIRGINIA DIEPHEAL WHITAKER,)
)
Plaintiff,)
)
v.)
)
NASH COUNTY; NASH COUNTY)
DEPARTMENT OF SOCIAL)
SERVICES; MELVIN BATTS; and)
JOSIE GREEN,)
)
Defendants.)

NO. 5:11-CV-15-FL

VIRGINIAL DIEPHAEL WHITAKER,)
)
Plaintiff,)
)
v.)
)
NASH COUNTY; NASH COUNTY)
DEPARTMENT OF SOCIAL)
SERVICES; MELVIN BATTS; and)
JOSIE GREEN,)
)
Defendants.)

NO. 5:11-CV-55-FL

These cases come before the court on defendants’ motion to consolidate, docket entry number eighteen in the first case captioned above, filed October 13, 2011. Plaintiff responded in opposition on October 25, 2011, and the time for reply has expired. Accordingly, the issue raised is ripe for review.

Pursuant to Federal Rule of Civil Procedure 42(a), the court may consolidate actions that “involve a common question of law or fact.” Fed. R. Civ. P. 42(a). When evaluating the issue of

consolidation, the court should weigh the risks of prejudice and possible confusion against the risk of inconsistent adjudications, the burden posed by multiple lawsuits, and the relative expense of proceeding separately. Arnold v. Eastern Air Lines, Inc., 681 F.2d 186, 193 (4th Cir. 1982). The decision to consolidate is committed to the trial court's discretion. Id. at 192.

Here, the complaints filed in the two cases captioned above are nearly identical. The court discerns only one clear difference. Plaintiff alleges religious discrimination in case number 5:11-cv-15-FL but not in number 5:11-cv-55-FL. Otherwise, as defendants note, the claims in the latter duplicate those in the former. In addition, the parties involved are identical. Accordingly, the court foresees no risk of prejudice or confusion in consolidating these cases. Furthermore, to administer them separately would only result in inefficiency.

The court therefore GRANTS defendants' motion to consolidate and ORDERS that civil action No. 5:11-cv-15-FL, currently pending in the United States District Court for the Eastern District of North Carolina, is consolidated with civil action No. 5:11-cv-55-FL, currently pending in same, for all further proceedings. A master file is hereby established for this proceeding and shall be captioned Virginia Diepheel Whitaker v. Nash County, et al., Consolidated Civil Action No. 5:11-cv-15-FL. All future filings should be filed in this matter file, civil action No. 5:11-cv-15-FL.

SO ORDERED, this the 29th day of December, 2011.



LOUISE W. FLANAGAN
United States District Judge