

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

ANTOINETTE L. FORD,)
)
Plaintiff,)
)
v.)
)
EXELIS, INC., and L3)
COMMUNICATIONS,)
)
Defendants.)

NO. 5:14-CV-33-FL

ANTOINETTE L. FORD,)
)
Plaintiff,)
)
v.)
)
EXELIS, INC., and L3)
COMMUNICATIONS,)
)
Defendants.)

NO. 5:14-CV-92-FL

These cases come before the court on defendant Exelis Inc.’s (“Exelis”) motion to consolidate,¹ filed March 4, 2014 (DE 6 in the top case captioned above, DE 9 in the bottom).

Plaintiff did not respond. Accordingly, the issue raised is ripe for review.

¹ Defendant Exelis notes in its motion that it is incorrectly identified in plaintiff’s complaint as “Exelis Inc.,” and that it should instead be named as “EXELIS SYSTEMS CORPORATION.” No motion to amend the court’s docket to reflect this change, however, has been made. In addition, plaintiff does not concede that this is the correct name, responding that “on Plaintiff’s pay stubs and the website they are identified as Exelis Inc.” (DE 10, p. 1). Accordingly, the court’s docket and the caption in this order maintains the reference to defendant Exelis as set forth in the complaint.

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). “[C]laims[] brought against the same defendant, relying on the same witnesses, alleging the same misconduct, and answered with the same defenses, clearly meet this standard.” Harris v. L & L Wings, Inc., 132 F.3d 978, 981 n.2 (4th Cir. 1997).

Here, the complaints filed in the two cases captioned appear to be identical. The court finds no risk of confusion or prejudice, and further finds that consolidation will best serve efficiency and eliminate the risk of any inconsistent adjudication.

The court therefore GRANTS defendant’s motion to consolidate and ORDERS that civil action No. 5:14-cv-92-FL, currently pending in the United States District Court for the Eastern District of North Carolina, is consolidated into the earlier-filed civil action No. 5:14-cv-33-FL, currently pending in same, for all further proceedings. A master file is hereby established for this proceeding and shall be captioned Antoinette L. Ford v. Exelis, Inc., and L3 Communications, Consolidated Civil Action No. 5:14-cv-33-FL. All future filings should be filed in this master file, civil action No. 5:14-cv-33-FL.

SO ORDERED, this the 3rd day of April, 2014.



LOUISE W. FLANAGAN
United States District Judge