

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:10cv204
[consolidating 1:10cv204 & 1:10cv233]

RDLG, LLC,)
)
Plaintiff,)

Vs.)

RPM GROUP, LLC; RPM GROUP)
BROKERAGE, LLC; FRED M.)
LEONARD, III; JESSICA LEWIS)
LEONARD; JASON BENTON;)
NICK JAMES; and DEXTER)
HUBBARD,)
Defendants.)

ORDER

_____)
RPM GROUP, LLC,)
)
Plaintiff,)

Vs.)

RDLG, LLC; and GLENN G. GOLDAN,)
)
Defendants.)
_____)

THIS MATTER is before the court on the consent Motion to Consolidate Actions. For cause, counsel indicate that RPM Group, LLC v. RDLG, LLC, et al., 1:10cv233 (W.D.N.C) and RDLG, LLC v. RPM Group, LLC, et al., 1:10cv204

(W.D.N.C.) involve common issues of law and fact. Review of the pleadings reveals that both actions involve a dispute arising from a marketing agreement or contract for the provision of promotional and/or real property sales services for a real estate development in North Carolina. While there are some extra-contractual claims, it appears to the court that the claims in each action could have been brought in the same lawsuit.

Resolution of this motion is governed by Rule 41(a), Federal Rules of Civil Procedure, which provides:

(a) Consolidation.

If actions before the court involve a common question of law or fact, the court may:

- (1) join for hearing or trial any or all matters at issue in the actions;
- (2) consolidate the actions; or
- (3) issue any other orders to avoid unnecessary cost or delay.

Fed.R.Civ.P. 42(a). The actions which the parties seek by consent to consolidate fall well within the bounds of Rule 42(a), and the request will be allowed.

ORDER

IT IS, THEREFORE, ORDERED that the consent Motion of Plaintiff to Consolidate Actions (#17)(1:10cv233) is **GRANTED**, and the above actions are consolidated as captioned above.

Signed: December 7, 2010

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

