

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

**RINEHART RACING, INC.,** )

Plaintiff, )

vs. )

**S&S CYCLE, INC.,** )

Defendant. )

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**CIVIL CASE NO.  
1:12-cv-00397-MR-DLH**

**MOTO GROUP, LLC,** )

Plaintiff, )

vs. )

**S&S CYCLE, INC.,** )

Defendant. )

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**CIVIL CASE NO.  
1:13-cv-00164-MR**

**ORDER**

**THIS MATTER** is before the Court on the Defendant's Objection to Magistrate Judge's August 5, 2013 Order [Doc. 25] and the parties' Joint Motion to Consolidate [Doc. 28].

The parties jointly move to consolidate this action with Case No. 1:13-cv-00164-MR, which is also pending before this Court. [Doc. 28]. Rule 42 of the Federal Rules of Civil Procedure provides that the Court may

consolidate two civil actions if they involve “a common question of law or fact.” Fed. R. Civ. P. 42(a)(2). The Court finds that these two civil actions involve common questions of law and fact such that consolidation would be appropriate. Accordingly, the parties’ joint motion for consolidation will be granted. The existing Pretrial Order and Case Management Plan previously entered in Case No. 1:12-cv-00397-MR-DLH shall govern both cases. In light of the consolidation of these actions, however, the Court will extend the following deadlines set forth in the Pretrial Order and Case Management Plan as follows:

Discovery:	May 2, 2014
Mediation:	May 16, 2014
Motions:	June 2, 2014
Jury Trial:	1 <sup>st</sup> Civil Term on or after January 12, 2015

The Court finds that, in light of the consolidation of these actions, the Defendant’s Objection to the Magistrate Judge’s Order denying a stay of discovery in this case is moot and will therefore not address it further.

**IT IS, THEREFORE, ORDERED** that:

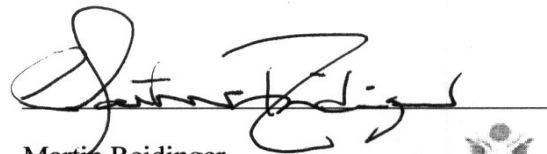
- (1) The parties’ Joint Motion to Consolidate [Doc. 28] is **GRANTED**, and Civil Case No. 1:12-cv-00397-MR-DLH and Civil Case No. 1:13-cv-00164-MR are hereby **CONSOLIDATED**

to proceed before the undersigned. Civil Case No. 1:12-cv-00397-MR-DLH is designated as the lead case, and Civil Case No. 1:13-cv-00164-MR shall be closed. Pursuant to Local Civil Rule 5.2.1(D), all future pleadings will be docketed and filed in the designated lead case only;

- (2) The Pretrial Order and Case Management Plan [Doc. 17] previously entered in this case is hereby **AMENDED** as set forth in this Order; and
- (3) The Defendant's Objection to Magistrate Judge's August 5, 2013 Order [Doc. 25] is **DENIED AS MOOT**.

**IT IS SO ORDERED.**

Signed: November 6, 2013

  
Martin Reidinger  
United States District Judge

