

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
NO. 3:18-cv-76-GCM
NO. 1:18-cv-104-GCM**

BONWORTH, INC.,

Plaintiff,

v.

**IHS CONCEPTS, INC.,
THE MOON'S CONCEPT, INC., and
MOON, INC.**

Defendants.

ORDER

THIS MATTER is before the Court on its own motion. On February 13, 2018, BonWorth, Inc. ("BonWorth") filed a complaint against IHS Concepts, Inc. ("IHS"), The Moon's Concept, Inc. ("Moon's Concept"), and Moon, Inc. ("Moon"), in this Court ("the North Carolina action"). On February 21, 2018, BonWorth filed a notice of removal of an action from the Superior Court of the State of California, County of Los Angeles, to the United States District Court for the Central District of California ("the California action"). The California Action was filed by IHS and Moon's Concept against BonWorth. On February 27, 2018, BonWorth filed an answer and counterclaim in the California action. On March 26, 2018, IHS and Moon's Concept filed an answer and counterclaim in the North Carolina action. The two causes of actions and their respective counterclaims involve the same legal and factual disputes.

On March 14, 2018, BonWorth filed a motion to transfer the California action to this Court. On March 26, 2018, IHS and Moon's Concept filed a motion to transfer the North Carolina action to the Central District of California. On April 17, 2018, the motion to transfer in

this Court became ripe for decision. On that same day, the Central District of California granted the motion to transfer the California action to this Court. Accordingly, IHS and Moon's Concept withdrew their motion to transfer pending before this Court on April 24, 2018.

Because both the California action and the North Carolina action are both now under the jurisdiction of this Court and because the actions involve a common issue of law and fact, the Court finds that it is appropriate to consolidate the two cases pursuant to Rule 42 of the Federal Rules of Civil Procedure.

IT IS THEREFORE ORDERED that Case No. 3:18-cv-76 and Case No. 1:18-cv-104 are hereby consolidated pursuant to Rule 42(a)(2) and shall proceed as one action under Case No. 3:18-cv-76, using the caption as it appears in that case. All future filings shall be made in Case No. 3:18-cv-76.

The Clerk of Court is directed (1) to file a copy of this Order in both Case No. 3:18-cv-76 and Case No. 1:18-cv-104, (2) to subsequently close Case No. 1:18-cv-104, and (3) to file a notice to conduct Initial Attorneys Conference in Case No. 3:18-cv-76.

SO ORDERED.

Signed: May 1, 2018



Graham C. Mullen
United States District Judge

