

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:13-cv-704-RJC-DSC**

CURTIS STEELE and YOLANDA HARRINGTON,)
)
)
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v.)
)
CAPITAL ONE HOME LOANS, LLC, et. al.,)
)
Defendants.)
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)
)

ORDER

THIS MATTER comes before the Court on Defendants Capital One Home Loans, LLC and Mortgage Electronic Registration Systems’ Motion to Consolidate this case with Curtis Steele and Yolanda Harrington v. Capital One Home Loans, LLC, et. al., Case No. 3:13-cv-705-FDW-DCK. (Doc. No. 13). Plaintiffs did not respond to the motion, and it is ripe for review.

The Court here considers whether to consolidate two cases involving identical parties, identical counsel, and identical allegations. The instant case seeks remedies at law for alleged violation of state and federal laws related to a mortgage on Plaintiffs’ property in Charlotte, North Carolina. In the companion suit, which contains the same allegations, Plaintiffs seek equitable relief, including enjoining Defendants from foreclosing on the property.

Rule 42 of the Federal Rules of Civil Procedure allows a court to consolidate cases that involve common questions of law or fact. Courts have broad discretion in determining whether or not to consolidate a case. A/S Ludwig Mowinckles Rederi v. Tidewater Const. Co., 559 F.2d 928, 933 (4th Cir. 1977). Consolidation does not merge the suits into a single cause, or change the rights of the parties. Intown Properties Mgmt. Inc. v. Wheaton Van Lines, 271 F.3d 164, 168 (4th Cir. 2001). In determining whether to consolidate a case, a court considers several factors

including: the risk of prejudice and confusion; the burden on parties and witnesses; and, the judicial resources expended in multiple suits versus a single suit. Arnold v. Eastern Airlines, 681 F.2d 186, 193 (4th Cir. 1982).

Pursuant to Rule 42 of the Federal Rules of Civil Procedure and in light of the facts noted above, this Court finds that the two cases should be consolidated.

IT IS, THEREFORE, ORDERED that Defendant's Motion to Consolidate, (Doc. No. 13), is **GRANTED**, and this Court shall accept re-assignment of Case No. 3:13-cv-705.

Signed: 1/31/2014



Robert J. Conrad, Jr.
United States District Judge

