

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:14-CV-00141-MOC-DSC**

DUKE ENERGY FLORIDA, INC.,)
)
 Plaintiff/Counterclaim Defendant,)
)
 v.)
)
 WESTINGHOUSE ELECTRIC)
 COMPANY, LLC,)
)
 Defendant/Counterclaim Plaintiff.)

ORDER

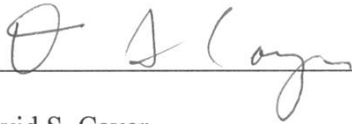
THIS MATTER is before the Court on the parties’ “Joint Motion to Consolidate” (document # 35) filed July 31, 2014. This Court has reviewed the Motion, and for the reasons set forth in the Motion and for good cause shown, the Court hereby grants the Motion and hereby **ORDERS** that the action entitled *Westinghouse Electric Company, LLC v. Duke Energy Florida, Inc.*, Case No. 3:14-cv-00358-MOC-DSC, shall be consolidated with the above-captioned action pursuant to Rule 42(a) of the Federal Rules of Civil Procedure.

It is further **ORDERED** that Westinghouse Electric Company LLC’s Counterclaim (document # 33) shall be the operative pleading by Westinghouse as Counterclaimant in this action, and that no responsive pleading by Duke Energy Florida, Inc. to Westinghouse Electric Company LLC’s Complaint that was pending in *Westinghouse Electric Company, LLC v. Duke Energy Florida, Inc.*, Case No. 3:14-cv-00358-MOC-DSC shall be required.

The Clerk is directed to send copies of this Order to counsel for the parties, including but not limited to moving counsel; and to the Honorable Max O. Cogburn, Jr.

SO ORDERED.

Signed: August 4, 2014



David S. Cayer
United States Magistrate Judge

