

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:15-cv-00262-MOC-DSC

**DOUGLAS R. SMITH, MARY LUCZAK-
SMITH,**)
)
)
 Plaintiffs,)
)
 Vs.)
)
 **AVERY CHAPMAN, CHAPMAN LEGAL
GROUP,**)
)
)
 Defendants.)

ORDER

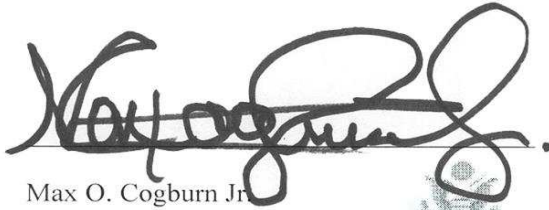
THIS MATTER is before the court on Defendants’ Unopposed Motion to Consolidate (#4). Defendants seek to consolidate the above-captioned action, which was recently removed from state court, with Smith, et al., v. Chapman, et al. (3:14-cv-238), hereinafter the “Pending Action.” All Plaintiffs and Defendants in this case are parties to the Pending Action and the legal claims in this action (legal malpractice and breach of contract) stem from the same facts and circumstances as those in the Pending Action. As discussed at the July 15, 2015 hearing, the court finds that consolidation of these two cases is appropriate pursuant to Fed. R. Civ. P. 42(a), which permits consolidation where “actions before the court involve a common question of law of fact.” Id. Here, because these two causes of action involve common issues of law and fact, as well as common witnesses, evidence, and similar issues, the court believes that judicial economy favors consolidation. See Johnson v. Celotex Corp., 899 F.2d 1281, 1284-85 (2d Cir. 1990). Consolidating these cases will also avoid the risk of inconsistent judgments. See Switzenbaum v.

Orbital Scis. Corp., 187 F.R.D. 246, 248 (E.D. Va. 1999). Accordingly, the court will grant the unopposed motion and enter the following Order.

ORDER

IT IS, THEREFORE, ORDERED Defendants' Unopposed Motion to Consolidate (#4) is **GRANTED**, and the Clerk of Court is respectfully instructed to consolidate the above-captioned action (3:15-cv-262) with Smith, et al., v. Chapman, et al. (3:14-cv-238), with the latter designated as the "Lead Case" for docketing purposes.

Signed: July 17, 2015

A handwritten signature in black ink, appearing to read "Max O. Cogburn Jr.", written over a horizontal line. The signature is stylized and cursive.

Max O. Cogburn Jr.
United States District Judge