

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

VALLEY OF THE MOON COMMERCIAL)
POULTS, INC.,)
)
Plaintiff,)
)
vs.)
)
FIBER FUELS, LLC)
)
Defendant.)

CASE NO. 3:15-cv-00215-FDW-DCK

DC CUSTOM FREIGHT LLC)
d/b/a FIBER FUELS, LLC)
)
Plaintiff,)
)
vs.)
)
VALLEY OF THE MOON COMMERCIAL)
POULTS, INC.,)
)
Defendant.)

CASE NO. 3:15-cv-00235-FDW-DCK

THIS MATTER is before the Court *sua sponte*. 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/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, the Court considers several factors including: (1) the risk of prejudice and confusion, (2) the

burden on the parties and witnesses, and (3) the economy of judicial resources. See Arnold v. Eastern Airlines, 681 F.2d 186, 193 (4th Cir. 1982).

These cases concern the same parties, and the claims asserted in Plaintiff's Complaint in Valley of the Moon, Inc. v. Fiber Fuels, LLC are identical to their counterclaims asserted in DC Custom Freight LLC (d/b/a Fiber Fuels, LLC) v. Valley of the Moon, Inc.. It appears to the Court that both cases involve the same alleged breaches of the same contract. Accordingly, pursuant to Rule 42 of the Federal Rules of Civil Procedure, this Court finds that these two cases should be consolidated.

IT IS SO ORDERED.

Signed: July 14, 2015



Frank D. Whitney
Chief United States District Judge

