

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:08-cv-385-RJC

MATTHEW J. BASKERVILLE,)
individually, and on behalf of all others)
similarly situated,)

Plaintiff(s),)

v.)

SEARS, ROEBUCK AND COMPANY, et)
al.,)
Defendants.)

CASE NO. 3:08-cv-385-RJC

CASE NO. 5:08-cv-95-RLV

THOMAS LUCKMAN, individually, and)
on behalf of all others similarly situated,)

Plaintiff(s),)

v.)

SEARS, ROEBUCK AND COMPANY, et)
al.,)
Defendants.)

THIS MATTER is before the Court pursuant to the plaintiff’s Motion to Consolidate Cases (Doc. No. 26), and on its own motion. Federal Rule of Civil Procedure 42(a) grants the Court authority to consolidate “actions involving a common question of law or fact.” Fed. R. Civ. P. 42(a). The claims alleged by the plaintiffs in these cases arise from a common set of facts - false advertising and sale of defendants’ lawnmowers to the plaintiffs. The legal issues presented overlap, the Defendants are identical, and there is a little likelihood of prejudice to any party if the cases are consolidated. Judge Voorhees concurs in the consolidation and assignment of these two cases. Luckman v. Sears, 5:08-cv-95-RLV, filed first in time, is designated the lead

case.

IT IS, THEREFORE, ORDERED that Plaintiffs' civil actions (3:08-cv-385 and 5:08-cv-95) will be consolidated pursuant to Rule 42(a). The Clerk is directed to consolidate civil action number 3:08-cv-385 into the earlier filed related civil action 5:08-cv-95.

Signed: October 2, 2008



Robert J. Conrad, Jr.
Chief United States District Judge

