

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION**

**CIVIL ACTION NOS. 5:16-CV-00049-RLV-DCK; 5:16-CV-00050-RLV-DSC**

SEDGEWICK HOMES, LLC, )  
)  
**Plaintiff,** )

v. )

**ORDER**

STILLWATER HOMES, INC., )  
CHRISTOPHER BART BIVINS, AND )  
GRETCHEN WYNE BIVINS, )  
**Defendants.** )

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SEDGEWICK HOMES, LLC, )  
**Plaintiff,** )

v. )

STILLWATER HOMES, INC., JOSEPH )  
LYNN SHOEMAKER, AND EMILY )  
GROCE SHOEMAKER, )  
**Defendants.** )

**BEFORE THE COURT** are the parties’ Joint Motions to Consolidate Sedgewick Homes, LLC v. Stillwater Homes, Inc., No. 5:16-cv-00049-RLV-DCK with Sedgewick Homes, LLC v. Stillwater Homes, Inc., No. 5:16-cv-00050-RLV-DSC. (Doc. 37 in Case No. 5:16-cv-49; Doc. 39 in Case No. 5:16-cv-50). Rule 42(a) of the Federal Rules of Civil Procedure provides that “[i]f actions before the court involve a common question of law or fact, the court may . . . consolidate the actions.” The Court finds that consolidation is warranted for the grounds stated in the motions in so much that Sedgewick Homes, LLC may proceed with its claims against Stillwater Homes, Inc. while claims involving the Bivins defendants and the Shoemaker defendants are stayed. The

lead case shall be Sedgewick Homes, LLC v. Stillwater Homes, Inc., No. 5:16-cv-00049-RLV-DCK. The consolidation is limited and, following the resolution of Sedgewick Homes, LLC's claims against Stillwater Homes, Inc., the cases shall be unconsolidated if the parties indicate an intent to proceed with the claims involving the Bivins defendants and the Shoemaker defendants.

The Court also modifies its Pretrial Orders and Case Management Plans (Doc. 30 in Case No. 5:16-cv-49 (July 7, 2016); Doc. 26 in Case No. 5:16-cv-50 (June 7, 2016)) to reflect the following new deadlines:

- (1) All fact discovery shall be complete no later than December 16, 2016;
- (2) Plaintiff shall provide reports from its expert witnesses, pursuant to Fed. R. Civ. P. 26(a)(2) by January 16, 2017.
- (3) Defendant shall provide reports from its expert witnesses by February 16, 2017.
- (4) The deadline for completing alternative dispute resolution and filing a report on the results shall be completed no later than January 16, 2017.
- (5) All motions, except motions in limine and motions to continue, shall be filed no later than April 14, 2017.
- (6) The "Ready Date" for trial in Case No. 5:16-cv-50 shall be changed to September 5, 2017 at 9:30 A.M.

**IT IS, THEREFORE, ORDERED THAT:**

- (1) The Motions to Consolidate (Doc. 37 in Case No. 5:16-cv-49; Doc. 39 in Case No. 5:16-cv-50) are **GRANTED**;
- (2) The Pretrial Orders and Case Management Plans shall be amended as indicated above.

Signed: September 16, 2016



Richard L. Voorhees  
United States District Judge

