

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

Belcourt Public School District and)
Angel Poitra,)
)
Plaintiffs,)

vs.)

Ella Davis and Turtle Mountain)
Tribal Court,)
)
Defendants.)

**ORDER OF CONSOLIDATION
OF PRETRIAL PROCEEDINGS,
HEARINGS, AND TRIAL**

Case No. 4:12-cv-114

Belcourt Public School District,)
)
Plaintiff,)

vs.)

Erica Malaterre and Turtle Mountain)
Tribal Court,)
)
Defendants.)

Case No. 4:12-cv-115

Belcourt Public School District,)
Roman Marcellais, and School)
Board Members for the Belcourt)
Public School District,)
)
Plaintiffs,)

vs.)

Bruce Allard, Martin Desjarlais,)
Jeff Laducer, Chad Marcellais,)
Robert St. Germaine, and Turtle)
Mountain Tribal Court,)
)
Defendants.)

Case No. 4:12-cv-117

Belcourt Public School District,)	
Roman Marcellais, and School)	
Board Members for the Belcourt)	
Public School District,)	
)	
Plaintiffs,)	
)	
vs.)	
)	Case No. 4:12-cv-118
Steve Herman and Turtle Mountain)	
Tribal Court,)	
)	
Defendants.)	

The court held a telephonic scheduling conference in the above-entitled actions on October 30, 2012. Based on the agreement of the participating parties, the court finds that the above-entitled actions involve common questions of law and fact and that consolidating the actions for the purpose of pretrial proceedings, hearings, and trial would provide for the best use of judicial resources.

The court notes that defendant Turtle Mountain Tribal Court has not entered an appearance in the above-entitled actions and that the parties have not yet determined whether Turtle Mountain Tribal Court is a necessary party. In the event Turtle Mountain Tribal Court elects to appear, it may move to sever the above-entitled actions if it objects to consolidation. The court further notes that it is aware of another similar case, Belcourt Public School District v. Nelson, Case No. 4:12-cv-116. Once the necessary appearances have been made, that case may be consolidated with the above-entitled actions, but consolidation would be premature at this point.

Based on the above, the court **ORDERS** that pursuant to Federal Rule of Civil Procedure 42(a)(1), case Numbers 4:12-cv-114, 4:12-cv-115, 4:12-cv-117, and 4:12-cv-118 be joined for

purposes of pretrial proceedings, hearings, and trial. The cases will NOT be formally consolidated as one action pursuant to Rule 42(a)(2). As a consequence, pleadings must continue to be filed in each of the individual cases.

IT IS SO ORDERED.

Dated this 31st day of October, 2012.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court