

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

HOWARD R. KILLEN,	)	
Plaintiff,	)	
	)	
v.	)	No. 3:13-CV-0529-HSM-CCS
	)	
USF HOLLAND, INC., <i>et al.</i> ,	)	
Defendants.	)	

HOWARD R. KILLEN,	)	
Plaintiff,	)	
	)	
v.	)	No. 3:14-CV-69-HSM-CCS
	)	
USF HOLLAND, INC., <i>et al.</i> ,	)	
Defendants.	)	

**ORDER OF CONSOLIDATION**

These cases are before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

Now before the Court is Plaintiff’s Motion to Consolidate, which moves the Court to consolidate these cases because they involve identical parties and arise out of the same incident. No party has responded in opposition to the Motion to Consolidate, and the time for doing so has expired, see E.D. Tenn. L.R. 7.1. The Court may treat this failure to respond as acquiescence to the relief sought. See E.D. Tenn. L.R. 7.2.

The Court finds that Rule 42(a) of the Federal Rules permits the Court to consolidate cases that present a common question of law or fact. The Court finds that these cases present common questions of law and fact, and the Court finds that it is appropriate to consolidate the

two actions. Accordingly, the Court finds that the Motion to Consolidate is well-taken, and it is **GRANTED**.

It is **ORDERED** that Killen v. USF Holland, Inc., Case No. 3:13-CV-529, **SHALL SERVE** as the lead case for purposes of this consolidation, and all future filings shall *only* be made in Killen v. USF Holland, Inc., Case No. 3:13-CV-529.

**IT IS SO ORDERED.**

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge