

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SHERRI L. DEEM, individually and as)
Personal Representative of the Estate of)
THOMAS A. DEEM, deceased,)
)
Plaintiff,)
)
v.)
)
AIR & LIQUID SYSTEMS)
CORPORATION, et al.,)
)
Defendants.)

Case No. 3:17-cv-05965 BHS

**ORDER GRANTING IN PART
MOTION FOR CONSOLIDATION**

THIS MATTER came before the Court on plaintiff’s Motion for Consolidation of this matter with Cause No. 3:18-cv-05527-BHS, which is also pending before this Court. The Court has considered the arguments of counsel as presented to the Court in the following materials:

1. Motion for Consolidation;
2. Declaration of Lucas Garrett in Support of Plaintiff’s Motion for Consolidation and Exhibits 1 and 2 annexed thereto;
3. Non-Party Defendants’ Response to Motion for Consolidation;
4. Declaration of Brian D. Zeringer in Support of Non-Party Defendants Response to Motion for Consolidation; and
5. Reply to the Response.

IT IS HEREBY ORDERED that plaintiff’s Motion for Consolidation is GRANTED IN PART and DENIED IN PART. The Motion for Consolidation is GRANTED in part to the extent ORDER GRANTING IN PART MOTION FOR CONSOLIDATION: 3:17-CV-05965 BHS - 1

1 that this matter is consolidated with Cause No. 3:18-cv-05527-BHS for purposes of discovery
2 and for purposes of handling pretrial matters through the Court's disposition of summary
3 judgment or such other time prior to trial as the Court deems appropriate. The Motion is DENIED
4 in part because the Court will not consolidate these actions for trial at this time and will reserve
5 any determination of that issue until discovery is completed. This ruling is without prejudice,
6 and plaintiff may again move to consolidate these actions for trial after discovery has closed. The
7 parties shall agree to an amended caption that adequately reflects the consolidated actions.

8 The Clerk shall administratively close Cause No. 3:18-cv-05527-BHS, strike the
9 scheduling order in this action, and issue a new abbreviated scheduling order consistent with the
10 scheduling order in Cause No. 3:18-cv-05527-BHS.

11 DONE IN OPEN COURT this 13th day of December, 2018.

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16 BENJAMIN H. SETTLE
17 United States District Judge
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