

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

DAVID BALL,

Plaintiff,

v.

CIVIL ACTION Nos. 1:24-00249
1:24-00323

BASIM ANTOUN, M.D.,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending before the court are motions to consolidate these civil actions. (ECF No. 20 and ECF No. 7). Defendant does not object to consolidation.

Federal Rule of Civil Procedure 42(a) provides:

If actions before the court involve a common question of law or fact, the court may: (1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or delay.

Consolidation decisions lie within the discretion of the court.

See North Carolina Natural Gas Corp. v. Seaboard Surety Corp., 284 F.2d 164, 167 (4th Cir. 1960); see also A/S J. Ludwig Mowinckles Rederi v. Tidewater Construction Corp., 559 F.2d 928, 933 (4th Cir.

1977) ("District courts have broad discretion under F. R. Civ. P. 42(a) to consolidate causes pending in the same district.").

It appears to the court that consolidation of these cases is warranted because not only would consolidation promote judicial economy, but it would also reduce the financial and other burdens imposed on the parties and their witnesses. In so concluding, the court finds: 1) both cases involve common questions of fact; 2) both cases involve common questions of law; and 3) the parties will not be prejudiced by consolidation of the two actions.

Based on the foregoing, the motions to consolidate are **GRANTED** and the court **ORDERS** these two cases **CONSOLIDATED**. Civil Action No. 1:24cv00249 is hereby designated as the lead case. Having consolidated the cases, the operative scheduling order for both cases is the one entered in Civil Action No. 1:24-cv-00249. Documents should bear both case numbers and need only be filed in the lead case.

The Clerk is directed to send copies of this Memorandum Opinion to counsel of record.

IT IS SO ORDERED this 29th day of August, 2024.

ENTER:



David A. Faber

Senior United States District Judge