

STATE OF MAINE
CUMBERLAND, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-04-624

2006-01-25

BETTY GRANT,

Plaintiff

BRIAN WALLS

Defendant

ORDER

Before the court is plaintiff's motion to continue this case off the trial list and to consolidate it with Grant v. State Farm Mutual Automobile Insurance Co., et al, CV-06-169.

The court will reserve decision on the motion for a continuance until it decides the motion to consolidate. In the court's view, the motion to consolidate must be made in both the instant case and in CV-06-169 so that all affected parties can be heard. At this point a motion to consolidate has only been filed in CV-04-624. As to one defendant in CV-06-169, this would not be necessary because counsel for defendant State Farm in CV-06-169 is the same counsel who represents Walls in CV-04-624. That counsel consents to consolidation. However, OneBeacon is also a defendant in CV-06-169 and its time to answer in 06-169 has not expired.

Although a copy of the motion to consolidate has apparently been sent to One Beacon's registered agent, plaintiff is directed to formally file her consolidation motion in CV-06-169 as soon as counsel for OneBeacon has appeared in that case. Once OneBeacon has responded, the court will consider the consolidation issue.

Finally, counsel should not assume that the motion to continue and consolidate will necessarily be granted once OneBeacon has responded. A proposal to add OneBeacon as a defendant was discussed in a pleading filed in this case in July 2005, and the court is not aware of any explanation for the ensuing delay. This is particularly true since this case (CV-04-624) has been pending since October 2004, since the discovery deadline in this case expired more than two months ago (after at least one extension), and since this case is now on a trial list.

The entry shall be:

Procedural order entered. The clerk is directed to incorporate this order in the docket by reference pursuant to rule 79(a).

Dated: May 25, 2006



Thomas D. Warren
Justice, Superior Court

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