

DJW/bh

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

DAVID W. BANKS,

Plaintiff,

CIVIL ACTION

v.

No. 05-2196-KHV-DJW

**PAPER, ALLIED-INDUSTRIAL
CHEMICAL AND ENERGY WORKERS
INTERNATIONAL UNION, LOCAL 5-0765,**

Defendant.

DAVID W. BANKS,

Plaintiff,

CIVIL ACTION

v.

No. 05-2197-KHV-DJW

**SMURFIT-STONE CONTAINER
CORPORATION,**

Defendant.

ORDER

Pending before the Court is Plaintiff's Motion for Consolidation (doc. 15) filed in the case styled David W. Banks v. Paper, Allied-Industrial Chemical and Energy Workers International Union, Local 5-0765, Case No. 05-2196-KHV-DJW ("Case No. 05-2196"). Plaintiff seeks to consolidate Case No. 05-2196 with the case styled David W. Banks v. Smurfit-Stone Container Corporation, Case No. 05-2197-KHV-DJW ("Case No.05-2197"). Plaintiff seeks to consolidate these two cases for all proceedings, including scheduling, discovery, and trial. Defendants do not oppose consolidation.

Federal Rule of Civil Procedure 42(a) allows a court to consolidate “any or all the matters in issue in the actions” if the actions involve a “common question of law or fact.” The decision whether to consolidate such actions is left to the sound discretion of the trial court.¹ After reviewing the pleadings and consulting with the District Judge, the undersigned finds that consolidation for all purposes would serve the interests of judicial economy. The Court will therefore grant the Motion to Consolidate.

The Court will issue an order at a later date setting these consolidated cases for a telephone scheduling conference.

IT IS THEREFORE ORDERED that the Motion for Consolidation filed in Case No. 05-2196-KHV-DJW (doc. 15) is granted, and said case is consolidated with Case No. 05-2197-KHV-DJW for all proceedings, including scheduling, discovery, and trial.

IT IS FURTHER ORDERED that Case No. 05-2196 shall be designated the lead case and all future filings shall be made in that case.

IT IS SO ORDERED.

Dated in Kansas City, Kansas on this 6th day of September 2005.

s/ David J. Waxse
David J. Waxse
U.S. Magistrate Judge

cc: All counsel and *pro se* parties

¹*Shump v. Balka*, 574 F.2d 1341, 1344 (10th Cir. 1978).