

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MARY LONG,

Plaintiff,

vs.

Case No. 06-4012-SAC

BRUCE DICKSON, IV,
FRANK PASE, as an agent and employee
of Topeka, Kansas and as individual, and
THE CITY OF TOPEKA, KANSAS,

Defendants.

MEMORANDUM AND ORDER

This case comes before the court on plaintiff's motion to consolidate this case with *Rhoten v. Dickson et al*, No. 04-4160-SAC, for purposes of discovery and trial. All defendants oppose the motion.

The facts and law relative to this motion are not contested. Suffice it to say that although both actions involve some common questions of law and fact such that the court could order consolidation pursuant to Fed. R. Civ. P. 42(a), the court does not believe that consolidation is appropriate. *Rhoten* was filed in November of 2004, discovery is concluded or nearly so in that case, a pretrial order has been issued, some summary judgment motions are ripe and others will be ripe in several weeks. In contrast, this case was not filed until January of 2006,

and little if any discovery has been conducted. Because the two actions are at such widely separate stages of preparation, consolidation of these cases would cause further delay and could prejudice the parties.

IT IS THEREFORE ORDERED that plaintiff's motion to consolidate (Dk. 16) is denied.

Dated this 29th day of June, 2006, Topeka, Kansas.

s/ Sam A. Crow
Sam A. Crow, U.S. District Senior Judge