

BANK OF OKLAHOMA, N.A.,

Plaintiff,

v.

**CAPITAL SOLUTIONS, LLC, MIKE
BREAKEY, LARRY SEWARD, LEE
ULLMAN, and MIKE EARL,**

Defendants.

Case No. 08-2191-JWL

MEMORANDUM AND ORDER

These cases arise from a dispute between Capital Solutions, LLC and Konica Minolta Business Solutions USA, Inc. over the administration of business equipment leases and service agreements, and Capital Solutions’ subsequent alleged default on loans from Bank of Oklahoma, N.A. The cases are currently consolidated for the purposes of pretrial proceedings (Doc. 13).

This matter comes before the court on Capital Solutions’ Motion to Consolidate (Doc. 103), in which it argues that this court should consolidate the two cases for purposes of trial, and the Bank’s Motion to Sever Claims (Doc. 105), in which it requests that the court sever Capital Solutions’ claims against it in case number 08-2027 and consolidate only those claims with case number 08-2191 for purposes of trial.

Given that trial is currently set for January 2010, and that the dispositive motion deadline is still over four months away, these motions are premature. The court sees no reason to resolve these issues now without a more accurate picture of how the cases will look closer to trial.

IT IS THEREFORE ORDERED BY THE COURT that Capital Solutions' Motion to Consolidate (Doc. 103) and the Bank's Motion to Sever Claims (Doc. 105) are both denied without prejudice. The parties may refile these motions, should they chose to do so, along with any dispositive motions they submit.

IT IS SO ORDERED this 27th day of February, 2009.

s/ John W. Lungstrum
John W. Lungstrum
United States District Judge