

F.R.Civ.P. 42. Consolidation; Separate Trials

LRCiv 42.1

TRANSFER OF RELATED CASES; CONSOLIDATION; FILING AND NOTICE OF MOTIONS TO TRANSFER OR CONSOLIDATE; RESPONSIVE AND REPLY MEMORANDA; ASSIGNMENT

(a) Transfer of Related Cases. Whenever two or more cases are pending before different Judges, a party in any of those cases may file a motion to transfer the case or cases to a single Judge on the ground that the cases: (1) arise from substantially the same transaction or event; (2) involve substantially the same parties or property; (3) involve the same patent, trademark, or copyright; (4) call for determination of substantially the same questions of law; or (5) for any other reason would entail substantial duplication of labor if heard by different Judges.

(b) Filing and Notice of a Motion to Transfer or Consolidate. A motion to transfer under ~~pursuant to~~ subparagraph (a) or a motion to consolidate under ~~pursuant to~~ Rule 42(a) of the Federal Rules of Civil Procedure must identify all the cases that are the subject of the motion by case name and case number. The movant must file the motion in a case in which the movant is a party. The ECF System or (when the movant is not an ECF Registered User) the Clerk's Office will electronically file the motion in each affected case identified in the motion. The District Judge assigned to the case be filed in the case with the lowest case number that is assigned to a District Judge, who will hear and decide the motion. If the affected cases are assigned only to Magistrate Judges, the Magistrate Judge assigned to the motion must be filed in the case with the lowest case number and will hear and decide the motion.

~~be heard by the Magistrate Judge assigned to that case. The motion must identify all the cases that are the subject of the motion by case name and case number. A notice of filing the motion, with an attached copy of the motion, must be filed in each case to be considered for transfer or consolidation, except for the case in which the motion is filed.~~

(c) **Responsive and Reply Memoranda.** Any party in any case that is the subject of a motion to transfer or consolidate may file a responsive memorandum, and the movant may file a reply memorandum. Any responsive or reply memorandum must identify all the cases affected by the underlying motion. The filer must file the responsive or reply memorandum in a case in which the filer is a party. The ECF System or (when the filer is not an ECF Registered User) the Clerk's Office will electronically file the responsive or reply memorandum in each affected case identified in the memorandum. ~~which must be filed in the case assigned to the Judge who will hear and decide the motion. Any party filing a responsive memorandum also must file a notice of filing the responsive memorandum, with an attached copy of the memorandum, in every other case to be considered for transfer or consolidation.~~

(d) **Assignment.** If a motion to transfer or consolidate is granted, the following factors may be considered in determining the Judge to whom the case or cases will be assigned: (1) whether substantive matters have been considered in a case; (2) which Judge has the most familiarity with the issues involved in the cases; (3) whether a case is reasonably viewed as the lead or

principal case; or (4) any other factor serving the interest of judicial economy.

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