

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

KATHERINE A. HOOVER, as the  
duly appointed Administrator of  
the Estate of Michael Tomasic,  
deceased,

Plaintiff,

vs.

Civil Action No. 1:07CV47  
Civil Action No. 1:07CV137  
(Judge Keeley)

GEORGE TRENT, Administrator,  
North Central Regional Jail,  
et. al.,

Defendants.

ORDER GRANTING PLAINTIFF'S MOTION TO CONSOLIDATE CASES

On October 4, 2007, the plaintiff, Katherine Hoover ("Hoover"), filed a Motion to Consolidate Cases (Dkt. no. 3 in 1:07CV137). Neither set of defendants opposed the motion. Fed. R. Civ. P. 42(a) permits a district court to consolidate actions which involve a common question of law or fact in order to avoid unnecessary costs or delay. Both cases here derive from the factual circumstances surrounding the death of Michael Tomasic while in the custody of the Northern Regional Jail. Consequently, there are common issues of fact between the cases and consolidation will avoid unnecessary costs and delay.

For good cause shown, therefore, plaintiff's Motion to Consolidate Cases (dkt. no. 3 in 1:07CV137) is **GRANTED**. The Court **ORDERS** the Clerk to designate case number 1:07CV47 as the lead case

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for future docketing. The Court also sets a scheduling conference for **January 11, 2008 at 1:00 p.m.** The parties shall submit an amended Rule 26(f) report no later than five (5) days prior to the scheduling conference.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record in both cases.

DATED: November 21, 2007.

/s/ Irene M. Keeley  
IRENE M. KEELEY  
UNITED STATES DISTRICT JUDGE