

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

Richard Brakebill, Dorothy Herman, )  
Della Merrick, Elvis Norquay, )  
Ray Norquay, and Lucille Vivier, )  
on behalf of themselves, )

Plaintiffs, )

vs. )

Alvin Jaeger, in his official capacity as )  
Secretary of State, )

Defendant. )

**ORDER FOR CONSOLIDATION  
OF CASES**

Case No. 1:16-cv-008

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Spirit Lake Tribe, on its own behalf and )  
on behalf of its members, et al., )

Plaintiffs, )

vs. )

Alvin Jaeger, in his official capacity as )  
Secretary of State, )

Defendant.. )

Case No. 1:18-cv-222

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Before the Court are unopposed motions to consolidate filed in both of the above captioned cases. The Defendant moves the Court for an order consolidating Richard Brakebill, et. al. v. Alvin Jaeger (Case No. 1:16-cv-008) and Spirit Lake Tribe, et. al. v. Alvin Jaeger (Case No. 1:18-cv-222) pursuant to Rule 42(a) of the Federal Rules of Civil Procedure. Counsel for all of the Plaintiffs in both the *Brakebill* case and the *Spirit Lake* case have reviewed the motion and the supporting memorandum and agree that consolidation is appropriate.

A court may consolidate cases pursuant to Rule 42 of the Federal Rules of Procedure, which provides in part as follows:

**(a) Consolidation.** If actions before the court involve a common question of law or fact, the court may:

- (1)** join for hearing or trial any or all matters at issue in the actions;
- (2)** consolidate the actions; or
- (3)** issue any other orders to avoid unnecessary cost or delay.

Fed. R. Civ. P. 42(a). The Court finds it appropriate to consolidate the actions. Both cases concern common issues of law and fact, and consolidation will conserve the resources of the parties and the Court and facilitate settlement. Accordingly, the Court makes the following **ORDER**:

- 1) Case No. 1:16-cv-008 and Case No. 1:18-cv-222 shall in all respects be **CONSOLIDATED**;
- 2) Case No. 1:18-cv-222 is designated as the lead case;
- 3) All future filings shall **only be filed in the lead case** (Case No. 1:18-cv-222); and
- 4) The caption of all future filings shall include the lead case (Case No.1:18-cv-222), and may also reference Case No. 1:16-cv-008.

**IT IS SO ORDERED.**

Dated this 24th day of April, 2020.

/s/ Daniel L. Hovland  
Daniel L. Hovland, District Judge  
United States District Court