

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

WILLIAM DAVIS, <i>et al.</i> , Plaintiffs, v. KIRK NEAL, <i>et al.</i> , Defendants.	C.A. No. 1:21-cv-01773-GBW
JUSTIN ERSKINE, Plaintiff, v. DELAWARE DEPARTMENT OF CORRECTION, <i>et al.</i> , Defendants.	C.A. No. 1:20-cv-01771-MN
BASHAN H. MCIVOR-BOSMAN, Plaintiff, v. DE DEPARTMENT OF CORRECTIONS TRAINING CENTER, <i>et al.</i> , Defendants.	C.A. No. 1:21-cv-01612-MN

STIPULATION OF CONSOLIDATION

Plaintiffs and Defendants in the above-captioned actions, by and through their undersigned counsel, hereby stipulate and agree, subject to the approval of the Court, as follows:

WHEREAS on or about December 23, 2020, Justin Erskine, a current Delaware Department of Correction (“DOC”) inmate, filed a complaint against various DOC institutions and current and former employees asserting claims arising from alleged excessive use of force incidents;

WHEREAS on or about November 15, 2021, Bashan McIvor-Bosman, a current DOC inmate, filed a complaint against various DOC institutions and current and former employees asserting claims arising from alleged excessive use of force incidents;

WHEREAS on or about December 17, 2021, thirty-nine current and former DOC inmates filed a complaint against various current and former DOC employees asserting claims arising from alleged excessive use of force incidents;

WHEREAS the above-captioned actions involve common questions of law and fact;

WHEREAS the parties agree that it would serve judicial economy and promote the efficient administration of justice for these actions to be consolidated;

IT IS HEREBY STIPULATED AND AGREED, subject to the approval and Order of the Court, that:

1. Pursuant to Rule 42(a) of the Federal Rules of Civil Procedure (the “Rules”), the above-captioned actions are consolidated for all purposes.
2. C.A. No. 1:21-cv-01773-GBW shall be the lead case, and hereafter all filings pertaining to the above-captioned actions shall be docketed only in the lead case.
3. The Stipulated Protective Order entered in C.A. No. 1:21-cv-01773-GBW (D.I. 41, 42) shall apply to C.A. Nos. 1:20-cv-01771-MN and 1:21-cv-01612-MN.
4. All papers and documents previously filed in any of the cases consolidated herein are deemed filed and part of the record in the consolidated action.

5. The forthcoming scheduling order in C.A. No. 1:21-cv-01773-GBW shall govern the consolidated action moving forward and shall include a deadline by which Plaintiffs must file a consolidated final amended complaint.

6. The lead case's caption shall be as follows:

WILLIAM DAVIS, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 1:21-cv-01773-GBW (consolidated)
)	
KIRK NEAL, <i>et al.</i> ,)	
)	
Defendants.)	
)	
)	
)	

7. This stipulation and order is without prejudice to the right of any party to raise any and all arguments, objections, motions or defenses concerning the claims raised in the above-captioned actions or the consolidated action.

8. The parties stipulate that, until such time as Defendants produce all discovery regarding Plaintiffs Erskine and McIvor, each and every deposition taken shall remain open to permit an additional deposition session for questioning relating to those two Plaintiffs, provided that each deposition shall not exceed the time limitations set forth in the Rules.

**WHITEFORD TAYLOR
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February 9, 2024

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SO ORDERED this _____ day of _____ 2024

United States District Judge Gregory B. Williams