

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION AT COVINGTON

CASE NO. 2:13-CV-068-WOB-GFVT-DJB

KENNY BROWN, ET AL

PLAINTIFFS

VS.

THE COMMONWEALTH OF KENTUCKY,
ET AL.

DEFENDANTS

AND

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION AT FRANKFORT

CASE NO. 3:13-CV-025-GFVT-WOB-DJB

MARTIN HERBERT, ET AL.

PLAINTIFFS

VS.

KENTUCKY STATE BOARD OF
ELECTIONS, ET AL.

DEFENDANTS

ORDER

Before: BOGGS, *Circuit Judge*; VAN TATENHOVE, *District Judge*; and BERTELSMAN, *Senior District Judge*.

These matters are before the Court on the motions to consolidate by defendant Greg Stumbo (Doc. 26 in both cases). After reviewing this matter and hearing from the parties, the Court concludes that consolidation is warranted.

These cases present common questions of law and fact underlying plaintiffs' claims of alleged unconstitutionality in Kentucky's current state legislative district maps. See Fed. R.

Civ. P. 42(a). The dismissal by the *Brown* plaintiffs of their claims for damages during oral argument on Friday, June 21, 2013, brings the cases further into alignment.

The slight difference in the identities of the parties and the presence of counterclaims in the *Brown* matter do not outweigh the obvious judicial economy to be advanced by consolidating the matters for discovery and all other matters, including any trial. See generally *Cantrell v. GAF Corp.*, 999 F.2d 1007, 1010-11 (6th Cir. 1993).

Therefore, having reviewed this matter, and the court being otherwise sufficiently advised,

IT IS ORDERED that:

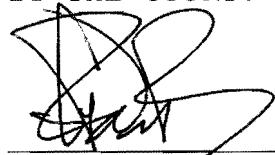
(1) The motions to consolidate (Docs. 26) be, and are hereby, **GRANTED**;

(2) The Clerk of Court is directed to add the parties in *Herbert v. Kentucky State Board of Elections*, Case No. 3:13-CV-25-GFVT-WOB-DJB to the docket in *Brown v. Commonwealth*, Case No. 2:13-CV-068-WOB-GFVT-DJB; and

(3) The parties are directed to file all further filings in the docket for *Brown v. Commonwealth*, Case No. 2:13-CV-068-WOB-GFVT-DJB.

This 27th day of June, 2013.

BY THE COURT:



Gregory F. Van Tatenhove
U.S. District Judge