

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

CYNTHIA HUFFMAN, WILLA BURKE,)
VIRGINIA KING, and EQUAL)
EMPLOYMENT OPPORTUNITY)
COMMISSION,)

Plaintiffs,)

vs.)

Case No. 01-3144-CV-S-ODS-ECF

NEW PRIME, INC. d/b/a PRIME, INC.;)
ABEL LORMAND, and SAMUEL)
TURNER,)

Defendants.)

ORDER (1) DENYING DEFENDANT NEW PRIME, INC.'S MOTION
TO SEVER PLAINTIFFS' CLAIMS OR TO ORDER SEPARATE TRIALS;
(2) DENYING DEFENDANT ABEL LORMAND'S MOTION TO SEVER; AND
(3) DENYING DEFENDANT SAMUEL TURNER'S MOTION TO SEVER

Pending are Defendant New Prime, Inc.'s Motion to Sever Plaintiffs' Claims or to Order Separate Trials (Doc. # 330), Defendant Abel Lormand's Motion to Sever (Doc. # 340), and Defendant Samuel Turner's Motion to Sever (Doc. # 342). For the following reasons, Defendants' motions are denied.

I. PRIME'S MOTION TO SEVER OR ORDER SEPARATE TRIALS

Defendant New Prime, Inc. ("Prime") first argues that Plaintiffs claims are improperly joined under Rule 20 of the Federal Rules of Civil Procedure. Rule 20 permits Plaintiffs with separate claims to join in a single action if their claims "aris[e] out of the same transaction, occurrence, or series of transactions or occurrences and if any question of law or fact common to all those persons will arise in the action." Fed. R. Civ.

P. 20(a). The purpose of Rule 20 is to “promote trial convenience and expedite the final determination of disputes . . .” Mosley v. Gen. Motors Corp., 497 F.2d 1330, 1332 (8th Cir. 1974). “Under the Rules, the impulse is toward entertaining the broadest possible scope of action consistent with fairness to parties; joinder of claims, parties and remedies is strongly encouraged.” Id. at 1332-33 (quoting United Mine Workers of Am. v. Gibbs, 383 U.S. 715, 724 (1966)).

For the parties to be appropriately joined under Rule 20(a), commonality of both fact and law must exist. While the Court recognizes that Plaintiffs’ claims involve distinct factual scenarios, there are threads of fact and law common to all of the claims. For example, Plaintiffs were all truck driver trainees with Prime; each Plaintiff alleges that she was subjected to prohibited conduct by her trainer; the individual Defendants were instructed by Prime on how to train a trainee; each Plaintiff alleges that she reported the prohibited conduct to Prime; and, each Plaintiff alleges that Prime failed to respond in a fashion required by law. In this sense, like issues of both fact and law are present throughout Plaintiffs’ claims. The Court believes the parties are properly joined under Rule 20, and Plaintiffs’ claims should be tried in a single trial. Additionally, one trial promotes judicial economy and expedites the final determination of these disputes.

Prime also argues that a single trial will confuse the jury and prejudice Prime. “When actions involving common question of law or fact are pending before the court, it may order a joint . . . trial or any or all matters in issue in the actions” Fed. R. Civ. P. 42(a). Alternatively, the court may order separate trials on claims “in furtherance of convenience or to avoid prejudice.” Fed. R. Civ. P. 42(b). The Court concludes that because Plaintiffs’ claims involve common questions of law and fact, their claims should be tried jointly. A single trial should not result in unfair prejudice to Prime. Any possibility of juror confusion can be cured by proper a limiting instruction. The jury should have no

difficulty compartmentalizing the evidence; that is, considering the evidence relating to each Plaintiff and Defendant only in regard to that Plaintiff and Defendant. Accordingly, Prime's Motion to Sever or Order Separate Trials is denied.

II. LORMAND'S AND TURNER'S MOTIONS TO SEVER

Defendant Abel Lormand ("Lormand") and Defendant Samuel Turner ("Turner") request that this Court sever Plaintiffs' claims against the individual Defendants and Prime and try the claims separately pursuant to Rules 20(b) and 42(b) of the Federal Rules of Civil Procedure. Similar to Prime, Lormand and Turner argue that trying all of Plaintiffs' claims in one trial would cause juror confusion and prejudice to Defendants. Consistent with the discussion regarding Prime's Motion to Sever, the Court concludes that trying Plaintiffs' claims in one trial will not result in unfair prejudice to the individual Defendants, and any possibility of juror confusion can be cured by limiting instructions. Lormand's and Turner's Motions to Sever are denied.

III. CONCLUSION

For the foregoing reasons, Defendant New Prime, Inc.'s Motion to Sever or Order Separate Trials is denied, Defendant Abel Lormand's Motion to Sever is denied, and Defendant Samuel Turner's Motion to Sever is denied.

IT IS SO ORDERED.

Date: August 12, 2003

/s/ Ortrie D. Smith
ORTRIE D. SMITH, JUDGE
UNITED STATES DISTRICT COURT