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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DENNIS MONTGOMERY and the
MONTGOMERY FAMILY TRUST,

Plaintiffs,

v.

ETREPPID TECHNOLOGIES, LLC;
WARREN TREPP; and the UNITED
STATES DEPARTMENT OF DEFENSE,

Defendants.

AND ALL RELATED MATTERS.

3:06-CV-00056-PMP-VPC
BASE FILE

3:06-CV-00145-PMP-VPC
3:07-CV-00250-ERC-VPC

ORDER

On September 7, 2007, Plaintiffs' Dennis Montgomery and Brenda Montgomery and the Montgomery Family Trust filed a Motion to Consolidate USDC, District of Nevada, Cases 3:06-CV-00056-PMP-VPC, 3:06-CV-00145-PMP-VPC with 3:07-CV-00250-ERC-VPC, (Doc. #258) that Motion has been fully briefed by the parties.

However, on September 5, 2007, the Honorable Edward C. Reed, Jr., United States District Judge entered an Order recusing himself from further proceedings in this case and referring the matter to the chief judge for reassignment (Doc. #44) in case number 3:07-CV-00250-ERC-VPC.


On October 10, 2007, this action was randomly reassigned to the undersigned for further court proceedings. As of the judges of the court are unavailable to preside over this case, and in that the undersigned currently presides over the other two cases referenced

1 above involving the Montgomery parties, the undersigned agreed to accept the assignment
2 of case number 3:07-CV-00250-ERC-VPC.

3 Now before the Court is whether the latest filed action should be consolidated
4 with the other two. Having read and considered the Montgomery's motion, eTrepid
5 Technologies, and Warren Trepp's opposition thereto, and the Montgomery's reply, the
6 Court finds that the Montgomery's motion to consolidate should be DENIED. Although the
7 latest case file has several parties in common with the earlier two actions, the issues
8 common to cases are not such that consolidation is necessary, and in the view of the Court
9 consolidating the latest action to the earlier two would risk causing unnecessary delay in
10 proceedings related to the earlier filed actions.

11 IT IS THEREFORE ORDERED that Plaintiffs' Dennis Montgomery and Brenda
12 Montgomery and the Montgomery Family Trust's Motion to Consolidate USDC, District of
13 Nevada, Cases 3:06-CV-00056-PMP-VPC, 3:06-CV-00145-PMP-VPC with 3:07-CV-
14 00250-ERC-VPC, (Doc. #258), is hereby DENIED.

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16 DATED: October 17, 2007.

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19 PHILIP M. PRO
20 United States District Judge
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