

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

KIMBERLY FARLEY, et al.,)
Plaintiff,)
v.) 1:22-CV-468
EYE CARE LEADERS HOLDINGS,)
LLC,)
Defendant.)

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CHAD FORRESTER, et al.,)
Plaintiff,)
v.) 1:22-CV-503
EYE CARE LEADERS HOLDINGS,)
LLC,)
Defendant.)

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KIMBERLY SANDVIG, et al.,)
Plaintiff,)
v.) 1:22-CV-502
EYE CARE LEADERS HOLDINGS,)
LLC,)
Defendant.)

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JEANNE BYERS, et al.,)
Plaintiff,)
v.) 1:22-CV-607
ECL GROUP, LLC)
Defendant.)

ORDER

These cases have been consolidated for discovery and will likely be consolidated for trial. In its inherent authority to manage its cases, the Court enters this order.


There may be other cases filed involving the same defendants and relating to the same events. Motions to consolidate must be filed in the newly-filed case, not this case.

If a case is filed by any attorney representing a plaintiff in these four cases, the attorney shall identify it to the Clerk when it is filed as related to the lead case here, *Farley v. Eye Care Leaders Holdings, LLC*, No. 22-CV-468. For any case filed by other counsel, any party becoming aware of the case must notify all other counsel for parties here of the case and must notify the attorneys in the new case of these cases. If no party in the newly-filed case files a motion to consolidate and a party in these cases thinks consolidation is appropriate, that party may file in this case a Suggestion for Order to Show Cause in a Related Case, identifying the case and explaining why consolidation is appropriate. If the Court agrees consolidation is worth exploring, it will take appropriate action in the newly filed case by, for example, issuing an order to show cause why consolidation is not appropriate. “[C]onsolidation is within the broad discretion of the district court, . . . and trial courts may consolidate cases *sua sponte*.” *In re Adams Apple, Inc.*, 829 F.2d 1484, 1487 (9th Cir. 1987) (cleaned up); *see Miller v. U.S. Postal Serv.*, 729 F.2d 1033, 1036 (5th Cir. 1984) (“A motion to consolidate is not required; the court may invoke Rule 42(a) *sua sponte*.”); *see also Holbrook v. Wexford Health Serv.*, No. 22-CV-121, No. 22-CV-184, 2022 WL 4283090, at *1 (W.D. Va. Aug. 30, 2022). If there is a better way to handle this, the Court is open to suggestion.

Because the cases are presently being consolidated only for purposes of discovery, they will remain separate cases, and the case caption for each separate case should be included on all consolidated filings. The parties are directed to caption their filings with all the case names and numbers, in the format used for this order. If any newly-filed cases are added to the consolidated case, the parties should add headings for the newly-

filed cases to the caption. Consolidated filings shall **only** be made on the ECF docket for the lead case, *Farley v. Eye Care Leaders Holdings, LLC*, No. 22-CV-468. For the other related cases included in this consolidation, the Clerk's office will enter a docket entry with today's date, noting that the case has been consolidated with No. 22-CV-468 for purposes of discovery and directing that all consolidated filings are to be made only in No. 22-CV-468 until the Court orders otherwise.

SO ORDERED, this the 14th day of November, 2022.



UNITED STATES DISTRICT JUDGE