

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

EQUAL EMPLOYMENT	)	
OPPORTUNITY COMMISSION and	)	
MRS. ROBBIE L. CALDWELL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CAUSE NO. 3:04-CV-623 RM
	)	
PRODESIGN LLC.,	)	
	)	
Defendant.	)	

**ORDER**

On September 30, 2004, Plaintiff Equal Employment Opportunity Commission (“EEOC”) filed their complaint against Defendant on behalf of Robbie Caldwell, Janice Patrick, and a class of similarly-situated female employees. On December 2, 2004, Plaintiff Mrs. Robbie Caldwell filed a Motion to Intervene, which this Court granted on December 16, 2004. Pursuant to Fed. R. Civ. P. 24(c) which requires that a motion to intervene be accompanied by “a pleading setting forth the claim or defense for which intervention is sought,” Plaintiff Caldwell filed a complaint contemporaneously with the Motion to Intervene. Plaintiff Caldwell’s complaint alleges substantially the same information as the EEOC’s complaint. Defendant filed a motion to consolidate cases under Fed. R. Civ. P. 42(a) on December 22, 2004.

Defendant appears to have misconstrued the purpose of Rule 42. Rule 42 typically applies when the same parties are involved in two separate actions. In the present situation, there is only one case, which happens to include two complaints. Therefore, there is no parallel case to consolidate with the present matter.

Liberally reading Defendant's motion, it appears that Defendant is actually attempting to consolidate the two complaints. Under Rule 24(c), Plaintiff Caldwell was required to file her own pleading. Defendant cites to no authority which would suggest that the two Plaintiffs may only have one complaint, especially when it is possible that parties may eventually seek alternative forms of relief. While Fed. R. Civ. P. 7 contemplates the filing of "a complaint," Rule 7 has not been violated because there are two separate Plaintiffs in this action who have individual interests. Thus, Defendant's Motion to Consolidate [Doc. No. 29] is **DENIED**.

**SO ORDERED.**

Dated this 21<sup>st</sup> day of January, 2005.

s/Christopher A. Nuechterlein  
Christopher A. Nuechterlein  
United States Magistrate Judge

cc: Chief Judge Miller; Counsel of Record