

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

MAGNA DONNELLY, INC.,

Defendant.

Case No. 5:04-CV-0168

Hon. Richard Alan Enslin

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MOTION FOR CONSOLIDATION OF CASES

Plaintiff Equal Employment Opportunity Commission moves under F.R.Civ.P. 42(a) for consolidation of the litigation in E.E.O.C. v. Magna Donnelly, Inc., W.D. Mich. No. 1:05-cv-0510, with the instant case and states:

1. As the motion and attached brief in support indicate, common questions of law and fact exist and consolidation will be beneficial, enhancing efficiency and economy for all involved.
2. Both actions were brought under the Americans with Disabilities Act of 1990 and

seek the same forms of relief available under the Act. (Exhs. A and B to Brief, Complaints)

3. In addition to Ms. Kronemeyer and Ms. DeGram, there are ten claimants or potential claimants who have been identified in this matter, all of whom were employees of defendant.
4. All of the employees were subject to defendant's Medically Disabled and Restricted Employees Policy.
5. Each of the employees was terminated according to the terms of the Policy.
6. The cases involve common witnesses and evidence as to the Defendant's management practices with respect to the employees and the policy.
7. The parties have established and are using a procedure for potential resolution of the first case which they plan to employ with respect to the claimants in the second case.
8. The parties have already worked with the magistrate judge to develop a scheduling order governing a consolidated case.
9. The defendant concurs in the relief requested.

WHEREFORE, the Plaintiff Commission respectfully requests that the Honorable Court issue an order consolidating the second action into this one for all pretrial and trial purposes.

Respectfully submitted,

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

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Dated: October 7, 2005

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