

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

COURTNEY ANDERSEN and LISA  
BURMEISTER, on behalf of themselves  
and all others similarly situated,

Plaintiffs,

V.

MID-AMERICA PET FOOD, LLC,

Defendant.

CIVIL ACTION NO. 5:23-CV-00140-RWS

**\*LEAD CASE\***

GLENN JACKSON, KENNETH  
LEONARD, DOROTHY PETERSEN, and  
STEPHANIE RANEY, on behalf of  
themselves and all others similarly situated,

Plaintiffs,

V.

MID-AMERICA PET FOOD, LLC,

Defendant.

CIVIL ACTION NO. 5:23-CV-00153-RWS

## MEMBER CASE

ALISON BARNHILL, KIMBERLEE  
FERRIS, JEFFREY GOULD, MELISSA  
SWARINGEN-ORTON, MICHELLE  
RUBIANO, and COLEMAN STEPHENS,  
on behalf of themselves and all others  
similarly situated,

Plaintiffs,

V.

MID-AMERICA PET FOOD, LLC,

Defendant.

CIVIL ACTION NO. 5:24-CV-00046-RWS

## MEMBER CASE

## ORDER

Before the Court is the parties' Joint Motion Requesting Consolidation and Stay of Proceedings to Allow for Classwide Mediation. Docket No. 16. The Court previously consolidated Case No. 5:23-cv-140 and No. 5:23-cv-153 into the above-captioned lead case (together, the

“*Andersen* action”). *See* Docket No. 8. The *Andersen* parties now seek to consolidate a newly filed action, No. 5:24-cv-46 (the “*Barnhill* action”), with the *Andersen* action. *See* Docket No. 16. The parties also seek a stay of the proceedings pending mediation. *Id.* The Court held a status conference call with the parties regarding this motion. For the reasons set forth below, the parties’ motion to consolidate is **GRANTED** and the parties’ motion to stay proceedings pending mediation is also **GRANTED**.

First, the parties of the above-captioned actions seek consolidation of the *Barnhill* action with the *Andersen* action under Federal Rule of Civil Procedure 42(a). The parties state that consolidation is appropriate because both cases are pending before this Court, have the same sole Defendant, are based on the same factual allegations, and seek to represent the same nationwide classes and subclasses of persons. *Id.* at 4 (citing *Johnson v. J.C. Penney Co., Inc.*, No. 6:14-CV-722, 2015 WL 12780596, at \*1–2 (E.D. Tex. June 10, 2015)). The parties also explain that the class has not yet been certified, so consolidation has minimal risk of prejudice or confusion for potential class members. *Id.* at 4–5. Finally, the parties state that consolidation will conserve both the Court’s and the parties’ resources because the arguments regarding class certification, as well as any discovery from Defendant, will be similar in both cases. *Id.* The Court agrees with the parties and finds that consolidation is appropriate.

Second, the parties requested a stay of proceedings to allow for class-wide mediation. *Id.* On the status call, the parties explained the unique nature of this class action and the steps the parties have taken towards resolution. The Court finds that the parties have demonstrated good cause for a stay of all deadlines in this action. Accordingly, it is

**ORDERED** that the parties’ Joint Motion Requesting Consolidation and Stay of Proceedings to Allow for Classwide Mediation (Docket No. 16) is **GRANTED**. It is further

**ORDERED** that Civil Action Nos. 5:23-cv-140 and 5:24-cv-46, currently pending in the United States District Court for the Eastern District of Texas, Texarkana Division, are hereby consolidated for all purposes.

The earliest civil action (Case No. 5:23-cv-140) shall serve as the lead case. The Clerk of the Court shall add the consolidated defendant to the lead case, as well as lead and local counsel only. Any other counsel who wishes to appear in the lead case shall file a notice of appearance in the lead case. Additionally, all pending motions will be considered as filed and without any prejudice due to consolidation (responsive briefs should be filed in the same case as the pending motion). All future filings shall be filed in the lead case. It is further

**ORDERED** that to further promote judicial economy and to conserve the parties' resources, the parties shall file a notice if there are other related cases currently pending on the Court's docket or any future cases filed or removed from state court that may also be appropriate for consolidation with the lead case. It is further

**ORDERED** that all deadlines in the above-captioned actions are **STAYED** until **July 3, 2024**, pending class-wide mediation. If the matter has not been resolved before the expiration of the stay, the parties are

**ORDERED** to meet and confer and file a joint status update.

**So ORDERED and SIGNED this 19th day of April, 2024.**

  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE