

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

THOMAS TAYLOR,

Plaintiffs,

v.

NISSAN NORTH AMERICA, INC.,

Defendant.

)
)
) **Case No. 3:24-cv-00653**
)
)

) **JUDGE CAMPBELL**
) **MAGISTRATE JUDGE NEWBERN**
)
)

BOBBY CARTER, et al.,

Plaintiffs,

v.

NISSAN NORTH AMERICA, INC.,

Defendant.

)
)
) **Case No. 3:24-cv-00660**
)
)

) **JUDGE CAMPBELL**
) **MAGISTRATE JUDGE NEWBERN**
)
)

RYAN LEVEY,

Plaintiff,

v.

NISSAN NORTH AMERICA, INC.,

v.

Defendant.

)
)
) **Case No. 3:24-cv-00672**
)
)

) **JUDGE CAMPBELL**
) **MAGISTRATE JUDGE NEWBERN**
)
)

ZACKARY ROBERTS,

Plaintiff,

v.

NISSAN NORTH AMERICA, INC.,

Defendant.

)
)
) **Case No. 3:24-cv-00680**
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)

) **JUDGE CAMPBELL**
) **MAGISTRATE JUDGE NEWBERN**
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ORDER

Pending before the Court is the parties' jointly filed Stipulation and Proposed Order Regarding Consolidation, Response to Complaint, and Briefing Scheduled (Doc. No. 22), which the Court construes as a motion to consolidate the above captioned cases for all purposes and to set response deadlines and briefing schedule as agreed by the parties. So construed, the motion is **GRANTED**.

On July 1, 2024, the Court ordered a joint initial case management conference for *Taylor v. Nissan North America, Inc.*, No. 24-cv-00653; *Carter v. Nissan North America, Inc.*, No. 24-cv-00660; *Levey v. Nissan North America, Inc.*, No. 24-cv-00672; and *Roberts v. Nissan North America, Inc.*, No. 24-cv-00680 (collectively "the Cases") and further ordered that the Parties address potential consolidation and collaboration of the Cases. The Cases are all class actions with all Plaintiffs bringing their Cases on nearly identical grounds, arising out of the same set of circumstances, alleged against the same Defendant, and requiring testimony from many of the same witnesses. The Parties propose that the Cases should be consolidated for all purposes to promote judicial economy, efficiency, and convenience by avoiding unnecessary duplication of evidence and procedures, the risk of inconsistent adjudications, and many of the same witnesses testifying on common issues in all Cases. *See Hiley v. CorrectCare Integrated Health, Inc.*, No. CV 5:22-319-DCR, 2023 WL 2167376, at *2 (E.D. Ky. Feb. 22, 2023) (consolidating related data breach class actions and finding that "common questions of law and fact predominate and therefore considerations of judicial economy would be served by consolidation").

The Court agrees that such consolidation is appropriate under Fed. R. Civ. P. 42(a), which provides:

If actions before the court involve a common question of law or fact, the court may: (1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or delay.

Fed. R. Civ. P. 42(a) (emphasis added).

Defendant's response to the complaint in each of the Cases is currently set for August 12, 2024. The parties agree it would be inefficient and a waste of resources for the Parties to: (1) brief a motion to dismiss for a complaint that may later be superseded, and (2) make duplicative filings in multiple cases that may later be consolidated. Plaintiffs and Defendant have met and conferred and, for the efficiency and convenience of the Court and all Parties, have entered into the following stipulation regarding consolidating the Cases and the briefing schedule that applies to the Cases. In light of this stipulated consolidation and stipulated schedule, the Parties propose that the initial case management conference scheduled for August 26, 2024, at 10:00 a.m. be vacated and reset for a later time following the completion of the Motion to Dismiss briefing.

Pursuant to the parties' stipulation and agreement, and after consultation with the Magistrate Judge, the Court **ORDERS** as follows:

1. The above-captioned Cases, and any subsequently filed or transferred related cases shall be consolidated under lead case *Taylor v. Nissan North America, Inc.*, Case No. 3:24- cv-00653. All filings shall be made in the lead case. Following entry of this Order, the Clerk is directed to administratively close *Carter v. Nissan North America, Inc.*, No. 24-cv-00660; *Levey v. Nissan North America, Inc.*, No. 24-cv-00672; and *Roberts v. Nissan North America, Inc.*, No. 24-cv-00680.

2. Plaintiffs shall have sixty (60) days from the entry of this Order to file a consolidated complaint.
3. Defendant shall respond to the consolidated complaint within sixty (60) days after Plaintiffs' filing of the consolidated complaint.
4. If Defendant moves to dismiss the consolidated complaint, the deadline for Plaintiffs' opposition to Defendant's motion to dismiss shall be thirty (30) days after Defendant files its motion to dismiss.
5. The deadline for any reply to Plaintiffs' opposition to a motion to dismiss shall be fourteen (14) days after Plaintiffs file their opposition.
6. The initial case management conference scheduled for August 26, 2024, at 10:00 a.m. is **CONTINUED** to a date to be set by the Magistrate Judge following the completion of the Motion to Dismiss briefing.
7. The Parties shall meet and confer to establish a discovery schedule and discovery protocol prior to the case management conference. The issue of whether discovery will be stayed pending resolution of any motions to dismiss will be determined by the Magistrate Judge.

It is so **ORDERED**.



WILLIAM L. CAMPBELL, JR.
CHIEF UNITED STATES DISTRICT JUDGE