

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

JONATHAN E. PERLMAN,
Plaintiff,

CASE NO. 09-81224-CIV-HURLEY

v.

DOLCE REGENCY SUITES, LLC,
Defendant.

_____ /

JONATHAN E. PERLMAN,
Plaintiff,

CASE NO. 09-81225-CIV-HURLEY

v.

FIVE CORNERS INVESTORS I, LLC, et al.,
Defendants.

_____ /

ORDER CONSOLIDATING CASES

THIS CAUSE is before the court *sua sponte*. On April 13, 2010, the court directed the parties to show cause why the following cases should not be consolidated: *Perlman v. Dolce Regency Suites, LLC* (Case No. 09-81224-CIV-HURLEY) and *Perlman v. Five Corners Investors I, LLC, et al.* (Case No. 09-81225-CIV-HURLEY). In response, plaintiff takes the position that the court should consolidate these cases; defendant takes the opposite position.

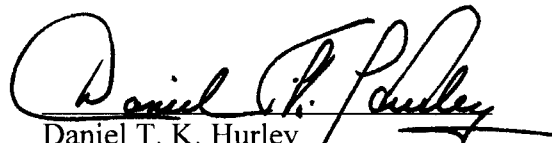
Fed. R. Civ. P. 42(a) provides that actions involving common questions of law or fact may be consolidated. Consolidation under Rule 42(a) is a procedural device designed to promote judicial economy that does not merge the actions or defenses of separate parties and does not change the rights of parties in separate suits. *See Cole v. Schenley Industries, Inc.*, 563 F.2d 35, 38 (2d Cir. 1977). Further, under this Rule, the court may consolidate the cases completely or for limited proceedings or stages, *See Lewis v. ACB Bus. Svcs. Inc.*, 135 F.3d 389, 412 (6th Cir. 1998), with the decision on whether to consolidate left to the discretion of the trial court. *See NAACP of Louisiana*

v. Michot, 480 F.2d 547, 548 (5th Cir. 1973). The Eleventh Circuit has “urged [district courts] to make good use of Rule 42(a) in order to expedite the trial and eliminate unnecessary repetition and confusion.” *Young v. City of Augusta*, 59 F.3d 1160 (11th Cir. 1995) (citations and quotation marks omitted).

After reviewing the allegations and applicable law in both cases, the court concludes that consolidation of these matters makes sense and serves the interest of judicial economy. Both cases involve common questions of fact and law that are central to their resolution – namely, whether the alleged transfer of assets for the purchase of real estate in Orlando (referred to by the parties as the Dolce Regency transfer) was fraudulent and whether the transfer can be avoided or recovered pursuant to the Florida Uniform Fraudulent Transfer Act. Accordingly, it is hereby **ORDERED** and **ADJUDGED** that:

1. The above cases as currently pending in the Southern District as captioned above are now **CONSOLIDATED** for all purposes.
2. Unless otherwise directed by the court, **all further pleadings in these actions shall bear the case style and number of the lead case, *Pertman v. Dolce Regency Suites, LLC*, Case No. 07-81224-CIV-HURLEY**. Pleadings should only be filed under this case number; cross filings are unnecessary.
2. The Clerk shall place a copy of this order in all related cases.

DONE and **SIGNED** in chambers at West Palm Beach, Florida this 29 day of April, 2010.


Daniel T. K. Hurley
United States District Judge

Copies provided to counsel of record