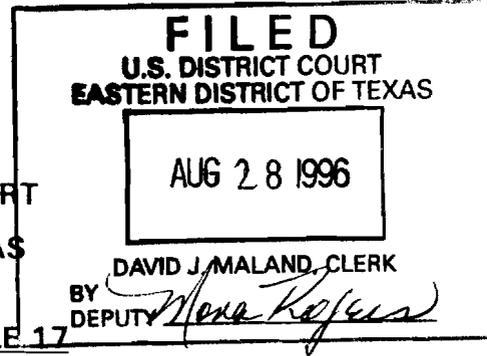


General Order No. 96- 23

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

GENERAL ORDER AMENDING LOCAL RULE 17



It is hereby ORDERED that the following amendments to Local Rule 17 concerning consolidation of actions, having been approved by the judges of this court, is adopted for immediate implementation¹:

RULE 17

CONSOLIDATION OF ACTIONS

~~(a)~~ **(a) Duty to Notify Court of Collateral Proceedings and Refiled Cases.** Whenever a civil matter, commenced in or removed to the court, involves subject matter that either comprises all or a material part of the subject matter or operative facts of another action, whether civil or criminal, then pending before this or another court or administrative agency, or previously dismissed or decided by this court, counsel for the filing party shall identify the collateral proceeding(s) and/or refiled case(s) on the civil cover sheet filed in this court. The duty to notify the court and opposing counsel of any collateral proceeding continues throughout the time the action is before this court.

~~(b)~~ **(b)** Generally. When two or more actions are pending before a judge which involve either (1) a common question of law or fact; or (2) the same parties and issues; or (3) different or additional parties and issues all of which arise out of the same transaction or occurrence, ~~he~~ **that judge** may order that all or part of the actions be consolidated.

~~(b)~~ **(c)** Consolidation in Multi-Judge Division. When actions that may be consolidated under ~~(a)~~ **(b)** above have been filed in a division wherein the caseload is divided between two or more judges, the actions, upon consolidation, shall be assigned to the judge who was assigned the initial action or actions. The judge assigned the initial

¹ New language in the rule is noted in **redline** text; omitted language is noted in **strikeout** text.

action or actions has the prerogative of declining the transfer and assignment of the additional action or actions.

Signed this 23rd day of August, 1996.

FOR THE COURT:

Richard A. Schell

RICHARD A. SCHELL
Chief Judge