

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

FREDERICK FRANZ,

Plaintiff,

v.

Case No: 2:18-cv-536-FtM-38MRM

JOHN DOE and WALMART INC.,

Defendants.

ORDER¹

Before the Court is Defendant Walmart Inc.'s Motion to Consolidate. ([Doc. 15](#)). As a result of a notice of removal, a *sua sponte* remand, another notice of removal, and an order granting a motion for reconsideration, two cases exist with the same claims and parties. (See [Docs. 1](#); [2](#); [11](#); [15](#)). Now, Walmart seeks to consolidate the cases to “avoid the prosecution of simultaneous litigation of the same case in the same Court of the Fort Myers Division of the Middle District of Florida.” ([Doc. 15](#)). Franz agrees to the consolidation. ([Doc. 15](#)). The Court recognizes that two cases exist with identical parties and claims, and the parties seek to proceed under a single case. Thus, the Court will grant Walmart’s motion so that the parties may proceed under this case and will close the second case as duplicative.

¹ Disclaimer: Documents filed in CM/ECF may contain hyperlinks to other documents or websites. These hyperlinks are provided only for users’ convenience. Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees. By allowing hyperlinks to other websites, this Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their websites. Likewise, the Court has no agreements with any of these third parties or their websites. The Court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the Court.

Accordingly, it is now

ORDERED:

1. Defendant Walmart Inc.'s Motion to Consolidate ([Doc. 15](#)) is **GRANTED**.
 - a. This case shall be the operative case moving forward and the parties shall file all pleadings, motions, notices, and other filings in this matter.
 - b. Any pleadings or filings that the parties wish for the Court to consider filed in the duplicative case, *Frederick Franz v. Walmart, Inc. et al.*, 2:18-cv-584-UA-CM, must be refiled in this case.
 - c. The Court will close the duplicative case *Frederick Franz v. Walmart, Inc. et al.*, 2:18-cv-584-UA-CM.
2. The Clerk of Court is **DIRECTED** to file a copy of this order in *Frederick Franz v. Walmart, Inc. et al.*, 2:18-cv-584-UA-CM.
3. The Clerk of Court is further **DIRECTED** to terminate any pending motions and deadlines and close *Frederick Franz v. Walmart, Inc. et al.*, 2:18-cv-584-UA-CM.

DONE and **ORDERED** in Fort Myers, Florida this 25th day of September 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record