ORIGINAL

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MICHAEL J. QUILLING, as Receiver for Hammersmith Trust, LLC and Microfund, LLC	§	
Plaintiff,	§	NO. 3-00-CV-2258-M
VS.	§	
ANTHONY CUPINI, ET AL.	§	
Defendants.	§	

ORDER

Michael J. Quilling, as Receiver for Hammersmith Trust, LLC and related entities, has filed a motion to consolidate this case with *Quilling v. Shaw, et al.*, No. 3-00-CV-1405-M. Defendants oppose the motion. The parties have briefed the issues and presented oral argument at a hearing on February 2, 2001. Although this case and *Shaw* involve common legal theories, the Court is not convinced that the factual basis of the claims against the defendants are similar enough the warrant consolidation. Moreover, the Receiver elected to file a separate lawsuit against Anthony Cupini and his company rather than join them as defendants in *Shaw*. For these reasons, the Receiver's motion for consolidation is denied.

Nevertheless, the Court finds that discovery should be coordinated between the two cases. Counsel are directed to work together in order to avoid an unnecessary duplication of discovery that would deplete Receivership assets. If a shared-discovery agreement cannot be negotiated, the Court will reconsider the issue of consolidation.

SO ORDERED.

DATED: February 2, 2001.

JEFF KAPLAN
UNITED STATES MAGISTRATE JUDGE