

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA *EX REL.*  
BRANCH CONSULTANTS, L.L.C.

CIVIL ACTION

VERSUS

NO: 06-4091

ALLSTATE INSURANCE. CO., ET AL.

SECTION: R

**ORDER AND REASONS**

Before the Court are two motions to sever, one filed by the Standard Fire Insurance Company (R. Doc. 288) and one by Liberty Mutual Fire Insurance Company (R. Doc. 293). The Court DENIES the motions as premature. There appear to be at least one or more common issues of law or fact in this action that warrant consolidation under Rule 42 of the Federal Rule of Civil Procedure, at least in the pretrial phase of this case. See FED. R. Civ. P. 42(a) ("If actions before the court involve a common question of law or fact, the court may . . . consolidate the actions."). For example, there appear to be common issues regarding the procedures employed by FEMA and NFIP, the manner in which Branch learned of the properties listed in the First Amended Complaint, and Branch's method of determining the amount that the insurers allegedly should have paid under the flood policies. The Court finds that a consolidated discovery process

will promote judicial economy and reduces the burdens on all parties involved. The parties may also combine motion practice when they assert the same positions. Further, while common discovery will be beneficial in some respects, no party is required to participate in any discovery that does not affect its potential liability. There may also be the potential to share expert witnesses, document depositories, and the like.

This ruling shall not prejudice the right of any defendant to move for severance once further discovery is taken and the Court is able to assess the nature of the evidence that will be presented at trial.

New Orleans, Louisiana, this 8th day of March, 2010.



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SARAH S. VANCE  
UNITED STATES DISTRICT JUDGE