



**Civil No. 16-1095 (GAG)**

1 has broad discretion in weighing the costs and benefits of consolidation to decide whether that  
2 procedure is appropriate.” Seguro de Servicio de Salud v. McAuto Sys. Group, Inc., 878 F.2d 5, 8  
3 (1st Cir. 1989) (citations omitted). Consolidation is appropriate if it will “promote the aims of all  
4 the parties [and] economize time and effort without circumscribing the opportunity for full  
5 litigation of all relevant claims,” but not proper if it causes prejudice to a party. See González-  
6 Quiles v. Coop. De Ahorro Y Credito De Isabela, 250 F.R.D. 91, 92 (D.P.R. 2007). Ultimately,  
7 “[t]he decision whether to consolidate cases under Rule 42(a) is within the broad discretion of the  
8 trial court.” Id. at 93.

9 In this case, consolidation is beneficial in order to avoid inconsistent judgments; waste of  
10 valuable judicial resources, and excess costs incurred by the parties, in particular the  
11 Commonwealth Defendants having to defend themselves in proceedings before different federal  
12 judges. Both cases assert most of the same claims, although the case in front of Judge Fusté does  
13 not challenge the constitutionality of the Commonwealth laws on the basis of federal law  
14 preemption. Nevertheless, the Court finds that all relevant factors weigh in favor of consolidating  
15 the two actions because they name the exact same Defendants, challenge the same Commonwealth  
16 actions, and involve common issues of fact and law.

17 Additionally, the undersigned has discussed the matter with Judge Fusté. Both judges agree  
18 that the cases should be consolidated, and given that Judge Fusté’s case was filed first, the above-  
19 captioned complaint is consolidated with Case No. 16-1037 (JAF), pursuant to Local Rule 42.

20 **SO ORDERED.**

21 In San Juan, Puerto Rico, this 21st day of January, 2016.

22 *s/ Gustavo A. Gelpí*  
23 GUSTAVO A. GELPI  
24 United States District Judge