

11-29-1976

Meeder v Superior Tube Co

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23 Fed.R.Serv.2d 612

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72 F.R.D. 633

United States District Court, W. D. Pennsylvania.

Leola E. MEEDER et al., Plaintiffs,

v.

SUPERIOR TUBE COMPANY et al., Defendants.

Evelyn F. LERACH on behalf of herself and
all other persons similarly situated, Plaintiff,

v.

SUPERIOR TUBE COMPANY et al., Defendants.

INVESTORS INSURANCE

COMPANY OF AMERICA, Plaintiff,

v.

Clarence A. WARDEN, Jr., et al., Defendants.

Civ. a. Nos. 76-1233, 76-1254 and 76-1274.

|

Nov. 29, 1976.

Synopsis

Actions were brought by shareholders of three corporations following tender offer for stock of one corporation. On motions for consolidation and to appoint lead counsel, the District Court, Cohill, J., held that where, although three complaints arose out of same tender offer, defendants were not all common to all cases, one complaint contained count alleging derivative suit, and one plaintiff was a corporation, neither complete consolidation nor stay of two cases would be appropriate but rather coordinated discovery would be ordered with counsel for plaintiffs in case which was filed first designated as liaison counsel.

Liaison counsel appointed for purposes of discovery proceedings.

West Headnotes (3)

[1] **Federal Civil Procedure** 🔑 Consolidation of actions

170A Federal Civil Procedure

170AI In General

170AI(A) In General

170Ak8 Consolidation of actions

(Formerly 170Ak8.1)

Consolidation of actions involving common question of law or fact is a discretionary matter. Fed.Rules Civ.Proc. rule 42(a), 28 U.S.C.A.

[2] **Federal Courts** 🔑 Effect of transfer and subsequent proceedings

170B Federal Courts

170BXIII Multi-District Litigation; Transfer for Pre-Trial Proceedings

170Bk2958 Effect of transfer and subsequent proceedings

(Formerly 170Bk157, 106k277.2)

In multidistrict cases, transferee judge has broad discretion to design pretrial program to obtain maximum efficiency for counsel and economy of judicial time and he may also establish separate discovery schedule for any issue unique to case while discovery on common issues proceeds concurrently. 📄 28 U.S.C.A. § 1407(a).

2 Cases that cite this headnote

[3] **Action** 🔑 Nature and subject matter of actions in general

Federal Civil Procedure 🔑 Consolidation of actions

Federal Civil Procedure 🔑 Actions in which remedy is available

13 Action

13IV Commencement, Prosecution, and Termination

13k67 Stay of Proceedings

13k69 Another Action Pending

13k69(5) Nature and subject matter of actions in general

170A Federal Civil Procedure

170AI In General

170AI(A) In General

170Ak8 Consolidation of actions

(Formerly 170Ak8.1)

170A Federal Civil Procedure

170AX Depositions and Discovery

170AX(A) In General


170Ak1264 Actions in which remedy is available

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Where, although complaints by shareholders of three corporations arose out of same tender offer for stock of one corporation, defendants were not all common to all cases, one complaint contained count alleging derivative suit, and one plaintiff was a corporation, neither complete consolidation of all three cases nor stay of two cases was appropriate but rather coordinated discovery would be ordered with counsel for plaintiffs in case which was filed first and in which six individual plaintiffs held substantial

number of shares designated as liaison counsel.

 [Fed.Rules Civ.Proc. rules 23, 42\(a\), 28 U.S.C.A.](#)

All Citations

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