

Rule 1.07 | SUCCESSIVE AND OTHER RELATED ACTIONS

(a) TRANSFER

(1) *Successive Action.* If an action is docketed, assigned, and terminated; later re-filed without a material change in the issues or the parties; and assigned to a judge other than the judge originally assigned, the originally assigned judge should accept the transfer. If the originally assigned judge declines the transfer, the chief judge can transfer the action to the originally assigned judge upon a request from the newly assigned judge and after consultation with the originally assigned judge.

(2) *Other Actions.*

(A) By the Judge. If the transferee judge consents, the judge to whom the clerk assigns an action can transfer the action at any time and for any reason.

(B) By a Party. If actions before different judges present the probability of inefficiency or inconsistency, a party may move to transfer a later-filed action to the judge assigned to the first-filed action. The moving party must file the motion in the later-filed action and a notice and a copy of the motion in the first-filed action. The proposed transferor judge must resolve the motion to transfer but can transfer the action only with the consent of the transferee judge. The transferee judge can order the clerk to assign to the later-filed action the magistrate judge in the first-filed action.

(C) By the Chief Judge. If the judge in a first-filed action declines a transfer, the chief judge can transfer a later-filed action to the judge in the first-filed action upon a request from the judge in the later-filed action and after consultation with the judge in the first-filed action. The transferee judge can order the clerk to assign to the later-filed action the magistrate judge in the first-filed action.

(b) CONSOLIDATION. If actions assigned to a judge present the probability of inefficiency or inconsistency, a party may move to consolidate the actions. The party must file the motion in one action and a notice and a copy of the motion in the other action. The judge can order the clerk to assign to the consolidated actions the magistrate judge assigned to the first-filed action.

(c) DUTY OF THE LEAD COUNSEL. The lead counsel has a continuing duty to notify the judge of a related action pending in the Middle District or elsewhere. The lead counsel promptly must file a "Notice of a Related Action" that identifies and describes the related action.