



11172, I will take the unusual step of designating the junior case, 05-11172, as the lead case. It is the practice of this court that all filings in consolidated cases be made in the lead case.

All pending motions in both cases are denied without prejudice. This court will not countenance the scorched-earth tactics in which the parties and their counsel have previously engaged. The docket makes abundantly clear that the parties and their attorneys have failed to engage in good faith consultation for the purpose of narrowing issues. I instruct the Clerk to remove all motions in this case from the list of pending motions and note that they are denied without prejudice.

The docket indicates that discovery in this case has been stayed pending resolution of the pending motions to dismiss. Although I have denied the motions, I will not lift the stay on discovery at this time.

A status conference is set for **Wednesday, September 28, 2005, at 2:00 p.m.**

/s/Robert E. Keeton  
Robert E. Keeton  
Senior United States District Judge