

Proposed Amendments to Rule 42

Rule 42 is amended as follows:

Rule 42. Consolidation; Separate Trials

(a) Consolidation. ~~When~~**If** actions involving ~~before the court involve~~ a common question of law or fact ~~are pending before~~, the court, ~~it may order a joint~~: **(1) join for** hearing or trial ~~of any or all the matters in~~**at** issue in the actions; ~~it may order all~~ **(2) consolidate** the actions ~~consolidated under a consolidated complaint; and it may make such~~; **or (3) issue any other** orders concerning proceedings therein ~~as may tend to avoid unnecessary costs~~**cost** or delay.

(b) Separate Trials. ~~The court, in furtherance of~~**For** convenience ~~or~~, to avoid prejudice, or ~~when separate trials will be conducive to expedition~~**to expedite** and economy,**economize, the court** may order a separate trial of any claim, cross-claim, counterclaim, **one or more separate issues, claims, crossclaims, counterclaims**, or third-party claims, ~~or of any separate issue or of any number of claims, cross-claims, counterclaims, third-party claims, or issues, always preserving inviolate the right of trial by jury as declared by the Seventh amendment to the Constitution or as given by a statute of the United States.~~ **When ordering a separate trial, the court must preserve any federal right to a jury trial.**

(As amended Dec. 18, 2001, eff. Apr.1, 2002; _____, 2009, eff. _____, 2010.)

Advisory Committee Note

The language of Rule 42 has been amended as part of the general restyling of these rules to make them more easily understood and to make style and terminology consistent throughout the rules. These changes are intended to be stylistic only.