UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

CITY OF DETROIT, MICHIGAN,

Debtor.
_______________________________/

Bankr. No. 13-53846 (Chapter 9)
HON. STEVEN W. RHODES

WILLIAM OCHADLEUS, et al.,

Appellants,

vs.

CITY OF DETROIT, MICHIGAN, et al.,

Appellees.
_______________________________/

Civil Action No. 14-CV-14872
HON. BERNARD A. FRIEDMAN

ORDER DENYING APPELLEE'S MOTION TO CONSOLIDATE APPEALS AND TO MODIFY THE WORD LIMIT ON APPELLATE BRIEFS

This matter is presently before the Court on the motion of appellee City of Detroit ("the City") "for an order (I) consolidating appeals and (II) modifying the word limit to allow for consolidated response" [docket entry 13]. Appellants have not responded to this motion; appellee State of Michigan concurs in the motion. Pursuant to E.D. Mich. 7.1(f)(2), the Court shall decide the motion without a hearing.

This is an appeal from an order of the Bankruptcy Court, entered November 12, 2014, Confirming Eighth Amended Plan for the Adjustment of Debts of the City of Detroit. In the instant motion, which the City has also filed in seven other appeals from the same Bankruptcy Court order, the City points to certain similar issues which will or may be briefed in some or most of the appeals, and it seeks an order consolidating all of the appeals and allowing it to file one 30,000-word (120-page) appellee brief, rather than a separate, shorter brief responding to the appellants' brief in each

appeal. Appellee State of Michigan, which is also an appellee in the other appeals, concurs in the requested relief, provided that it, too, is permitted to file a 30,000-word (120-page) brief.

The City's brief cites no persuasive authority for the proposition that the Court may consolidate bankruptcy appeals under Fed. R. Civ. P. 42(a). Even assuming the authority exists, the Court is not persuaded that consolidation of these appeals or modification of the applicable page limits would be appropriate. Rule 42(a) permits the consolidation of actions with common questions of law or fact. The procedure is generally used to reduce the burden and expense on the parties, the witnesses, and the Court, which would result from a number of cases being tried separately. In considering consolidation, the Court "weighs the saving of time and effort that consolidation under Rule 42(a) would produce against any inconvenience, delay, or expense that it would cause for the litigants and the trial judge." 9A C. Wright & A. Miller, *Federal Practice and Procedure* § 2383, pp. 35-36 (2008). In the case of bankruptcy appeals, however, there are no witnesses and there are no trials. Consequently, consolidation saves no time or effort for the parties, for witnesses (who are nonexistent), or for the Court. In short, none of the goals consolidation is meant to realize would be accomplished by consolidating the various appeals from the Bankruptcy Court's order confirming the City's plan of adjustment.

Nor is the Court persuaded that any efficiency would be realized by permitting each of the appellees to file oversized appellee briefs. The appellants in each appeal are entitled to frame their arguments and cite to the evidence of record they choose. While all of the cases arise from the same bankruptcy case, it is not apparent that the appeals will raise the same issues or rely on the same facts. To say the least it would be confusing for the Court, and most likely for the parties as well, to attempt to track the parties' arguments if appellants' individual briefs are countered by

appellees' "omnibus" 120-page briefs, which in turn are countered by appellants' individual reply briefs. The Court shall require instead that the parties abide by the page limits of Fed. R. Bankr. P. 8015 in each appeal separately. Accordingly,

IT IS ORDERED that appellee City of Detroit's motion to consolidate appeals and to modify the word limit applicable to appellate briefs is denied.

Dated: January 26, 2015
Detroit, Michigan

_s/Bernard A. Friedman_______
BERNARD A. FRIEDMAN
SENIOR UNITED STATES DISTRICT JUDGE