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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

A.I.L.L., on behalf of herself and her minor children, J.A.H.I. and M.E.H.I.; L.L.H.O., on behalf of herself and her minor child, K.E.O.H.; J.L.V.A., on behalf of himself and his minor child, D.S.V.H.; J.I.S., on behalf of himself and his minor child, B.L.S.P.; and J.J.P.B., on behalf of himself and his minor child, A.E.P.F.,

Plaintiffs,

v.

Jefferson Beauregard Sessions III, Former Attorney General of the United States, et al., and the United States of America,

Defendants.

No. CV-19-00481-TUC-JCH

ORDER

F.R., on his own behalf and on behalf of his minor child A.A.,

Plaintiffs,

v.

United States of America,

Defendant.

No. CV-21-00339-PHX-DLR

Pending before the Court are Defendant, the United States’ Motions to Consolidate Cases for Common Policy-Based Discovery Only. The United States asks to consolidate policy-based discovery in these cases with policy-based discovery in CV19-05217-PHX-SRB and CV20-00065-PHX-SRB. The Motions were fully briefed on July 11 and July 12, 2022 when the United States filed its Replies.

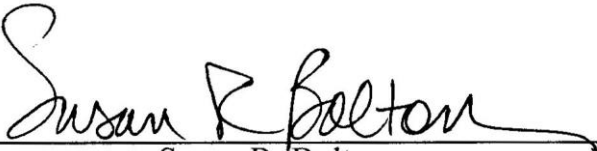
1 The dates these Motions became at issue is significant because the fact discovery
2 deadline in the cases for which discovery consolidation in this Court is sought is Friday,
3 July 15, 2022. In contrast the discovery deadline in CV21-00339-PHX-DLR is March 5,
4 2023 and no discovery deadline has yet been set in CV19-00481-TUC-JCH. No
5 depositions have been taken in CV21-00339-PHX-DLR or CV19-00481-TUC-JCH. In
6 CV19-05217-PHX-SRB and CV20-00065-PHX-SRB, depositions have either been taken
7 or are scheduled. No document production has been made in CV21-00339-PHX-DLR and
8 CV19-00481-TUC-JCH (except documents that might have been produced in CV21-
9 00339-PHX-DLR pursuant to the Court’s former MIDP rules). Approximately 78,000
10 documents have been produced in CV19-05217-PHX-SRB and CV20-00065-PHX-SRB
11 and there has been considerable briefing and argument over much of that production. It is
12 simply too late to consider discovery consolidation of other family separation cases with
13 CV19-05217-PHX-SRB and CV20-00065-PHX-SRB when they are at such different
14 stages of litigation. The Court will deny the Motions to Consolidate Cases for Common
15 Policy-Based Discovery Only.

16 Even though consolidation will be denied the Court is of the opinion that the parties
17 in CV21-00339-PHX-DLR and CV19-00481-TUC-JCH could benefit by agreeing among
18 themselves to consolidate their discovery in much the same way that it has occurred in
19 CV19-05217-PHX-SRB and CV20-00065-PHX-SRB. The parties might also consider
20 whether other similar cases pending in this district could be part of any such agreement.
21 The parties could agree to abide by the Protective Orders already in place in CV19-05217-
22 PHX-SRB and CV20-00065-PHX-SRB and could agree that depositions taken in those
23 cases might be utilized in to avoid unnecessary duplication. There are likely other
24 agreements the parties could make to benefit from the considerable work already done by
25 the parties and this Court in CV19-05217-PHX-SRB and CV20-00065-PHX-SRB.

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1 IT IS ORDERED denying Defendant United States' Motions to Consolidate Cases
2 for Common Policy-Based Discovery Only. (CV21-00339 Doc. 54 and CV19-00481 Doc.
3 92).

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5 Dated this 14th day of July, 2022.

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10 Susan R. Bolton
11 United States District Judge
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