UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

UNITED STATES OF AMERICA; *Plaintiff* vs. **NAT, L. C., and D.R. PARTNERS d/b/a/ DONREY MEDIA GROUP;** *Defendants*	**[filed 3/28/95]** Civil Action No.:

MOTION OF THE UNITED STATES FOR CONSOLIDATION PURSUANT TO RULE 42(A) OF THE FEDERAL RULES OF CIVIL PROCEDURE

The United States moves this Court, pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, to consolidate the following cases: *Community Publishers Inc., Shearin, Inc., d/b/a Shearin & Company Realtors v. Donrey Corp. d/b/a/ Donrey Media Group, NAT, L.C., Thomson Newspapers Inc., and the Northwest Arkansas Times*, No. 95-5026 (W.D. Ark. filed February 6, 1995) and *United States v. NAT, L.C., and D.R. Partners d/b/a/ Donrey Media Group* (W.D. Ark. filed March 28, 1995).[1] The United States moves for consolidation of pre-trial proceedings and trial, but not consolidation for the purposes of judgment and appeal. The two cases are appropriate for consolidation for the following reasons:

[1]*The United States has also moved this Court to shorten the time for the filing of responses to this Motion. This will ensure that the trial will commence on April 3, 1995, as scheduled.*

1. The two cases involve common questions of law. The plaintiffs in both cases seek injunctive relief for the acquisition of the *Northwest Arkansas Times*. The plaintiffs in both cases seek divestiture of the assets of the *Northwest Arkansas Times*. Both causes of action allege that the acquisition of the *Northwest Arkansas Times* by NAT L.C., violates Section 7 of the Clayton Act, as amended, 15 U.S.C. § 18, and Section 1 of the Sherman Antitrust Act, 15 U.S.C. § 1.

2. The two cases involve common questions of fact because both arise from the same factual situation; namely, NAT, L.C.'s acquisition of the *Northwest Arkansas Times*. In addition, both defendants in the United States' suit are defendants in the private action.

3. Judicial convenience and economy will be promoted by consolidation of the actions. Consolidation will result in one trial which will bind all plaintiffs and defendants. This will save time and avoid unnecessary costs to the defendants, the plaintiffs in both actions, witnesses who would otherwise be required to testify in two cases, and this Court.

4. Consolidation will not delay the final disposition of this matter. The United States is aware that this Court has scheduled a trial beginning April 3, 1995 for *Community Publishers Inc., Shearin Inc., d/b/a Shearin & Company Realtors v. Donrey Corp. d/b/a/ Donrey Media Group, NAT, L.C., Thomson Newspapers Inc., and the Northwest Arkansas Times*, No. 95-5026 (W.D. Ark. filed February 6, 1995). The United States will be prepared to present its case on April 3, 1995.

WHEREFORE, the United States requests that its motion for consolidation be granted.

Respectfully submitted,

/s/_____

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Date:_____