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NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

GUILFORD COUNTY

12 CVS 6882

HORSEPOWER, INC., JAN CLIFFORD, )  
BARBARA RICH, PAMELA COCHRAN, )  
ESTHER PAYNE, THOMAS PAYNE, )  
DONALD IDLER, JR., PATRICIA IDLER, )  
PENNY AYERS, WILLIAM CLIFFORD, )  
JUDI FLEMING, AND STEVE FLEMING, )

Plaintiffs, )

v. )

PIEDMONT SADDLE CLUB, INC., )

Defendant. )

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NORTH CAROLINA )

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION

GUILFORD COUNTY )

11 CVD 12157

PIEDMONT SADDLE CLUB, INC. )

Plaintiff, )

v. )

HORSEPOWER, INC., )

Defendant. )

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### CONSENT ORDER TO CONSOLIDATE ACTIONS

This Matter is before the Court on Horsepower, Inc.’s (hereinafter referred to as “Horsepower”) Motion to Consolidate the case captioned *Piedmont Saddle Club, Inc. v. Horsepower, Inc.*, 11 CVD 12157, Guilford County General Court of Justice, District Court Division (hereinafter singularly referred to as “11-CVD-12157”) and the case captioned *Horsepower, Inc., Jan Clifford, Barbara Rich, Pamela Cochran, Esther Payne, Thomas Payne,*

*Donald Idler, Jr., Patricia Idler, Penny Ayers, William Clifford, Judi Fleming, and Steve Fleming* (hereinafter singularly referred to as “12-CVS-6882”) [11-CVD-12157 and 12-CVS-6882 being hereinafter sometimes collectively referred to as the “Related Actions”], 12-CVS-6882 having been originally filed in Guilford County Superior Court and designated as a mandatory complex business case pursuant to N.C. Gen. Stat. § 7A-45.4, and 11-CVD-12157 having originally been filed as a summary ejectment action in Guilford County Magistrate Court, but which is now on appeal to the District Court. As shown in the pleadings filed in the Related Actions, the issues raised in 11-CVD-12157 and in 12-CVS-6882 raise common questions of law and fact. Therefore, for reasons of judicial economy, the Related Actions should be consolidated for all future proceedings, including, but not limited to, the trial *de novo* of 11-CVD-12157 and the trial of 12-CVS-6882 pursuant to N.C. Gen. Stat. § 1A-1, Rule 42 of the North Carolina Rules of Civil Procedure and other applicable law.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED

- (1) That 11-CVD-12157 and 12-CVS-6882 shall be and they are hereby consolidated for all future proceedings.
- (2) To simplify matters, the case identified as 12 CVS 6882 shall be designated as the Lead Case and matters filed in the Lead Case shall be deemed to be filed in both of the Related Actions. Accordingly, all future pleadings in either 11-CVD-12157 or 12-CVS-6882 shall be filed in and made a part of 12-CVS-6882, and copies of the pleadings in 11-CVD-12157, filed prior to the entry of this Consent Order to Consolidate Actions, shall be incorporated into and made a part of 12-CVS-6882.

- (3) That a duplicate original of this Consent Order to Consolidate Actions shall be filed in and made a part of both 11-CVD-12157 and 12-CVS-6882.
- (4) That all disputed issues raised in either 11-CVD-12157 or 12-CVS-6882 shall be deemed to be disputed issues in the Lead Case.
- (5) That even though Horsepower and Piedmont Saddle Club, Inc. have already conducted discovery in 11-CVD-12157, such discovery shall in no manner preclude further discovery on any issue raised in either 11-CVD-12157 or 12-CVS-6882.

IT IS SO ORDERED, this 4th day of September, 2012.

/s/ James L. Gale  
The Honorable James L. Gale  
Special Superior Court Judge  
for Complex Business Cases

SIGNATURE OF COUNSEL APPEAR ON  
NEXT PAGE

Consented To:

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