

No. 23-35329

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

TRACY CAEKAERT and CAMILLIA MAPLEY,
Plaintiffs-Appellees,

v.

PHILIP BRUMLEY,
Appellant,

and

WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC.;
WATCH TOWER BIBLE AND TRACT SOCIETY OF PENNSYLVANIA,
Defendants.

On appeal from the United States District Court
District of Montana No. CV-20-52-BLG-SPW
The Honorable Susan P. Watters

**UNOPPOSED MOTION TO CONSOLIDATE THIS APPEAL
WITH EFFECTIVELY IDENTICAL APPEAL NO. 23-35330**

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Unopposed Motion to Consolidate Appeals

Appellant Philip Brumley respectfully requests that the Court consolidate this appeal (23-35329) with the essentially identical appeal also filed by Mr. Brumley and docketed as *Ariane Ariane Rowland, et al v. Watch Tower Bible & Tract Society of Pennsylvania, et al.*, No. 23-35330.

Mr. Brumley's two appeals arise from two nearly identical orders that awarded sanctions against him in two technically separate but related (effectively identical) cases pending before the same district judge. The district court cases are identical from a procedural prospective, and the appeals are also procedurally identical—brought by the same third-party (Mr. Brumley), involving the same counsel for both the Appellant and Appellees, and involving the same legal issue.

As a matter of convenience to the Court and the parties, Mr. Brumley moves to consolidate these appeals for purposes of the record, briefing, oral argument, and decision. Consolidation of related appeals should occur “whenever feasible.” Fed. R. App. Proc. 3(b)(2) Advisory Committee Note (1967). Consolidated briefing, argument, and decision will streamline these two appeals and will conserve party and Court resources.

Proceeding with these appeals separately would be inefficient because the parties would need to file duplicative excerpts of record and briefing, different panels of judges may have to become familiar with the same set of facts and arguments, and inconsistent decisions could be reached.

Appellees in both cases do not oppose consolidation.

July 21, 2023

Respectfully submitted,

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By: *s/Benjamin G. Shatz*

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Philip Brumley