

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
AT LOUISVILLE

JAMES BELL, et al.

PLAINTIFFS

v.

CIVIL ACTION NO. 3:00CV-311-S

THE CITY OF LOUISVILLE, et al.

DEFENDANTS

**ORDER**

This matter is before the court on motion of the defendants, the City of Louisville, Sergeant Denny Alfred, Officer Ron Martin, Officer Derrick Leachman, the City of Hillview, Colonel Steve Jesse, Officer Michael O'Donnell, the City of Radcliff, the Radcliff Police Department, and Officer Eugene Williams, to sever the plaintiff's claims pursuant to Fed. R. Civ. P. 20, 21.

Fed. R. Civ. P. 20(a) has two distinct requirements, both of which must be met before joinder is permissible. First, "a right to relief must be asserted by, or against, each plaintiff or defendant relating to or arising out of the same transaction or occurrence, or series of transactions or occurrences[.]" *Mosley v. General Motors Corp.*, 497 F.2d 1330, 1333 (8<sup>th</sup> Cir. 1974). Second, "some question of law or fact common to all the parties must arise in the action." *Id.* Joinder of parties is favored under the federal rules and is intended to promote judicial economy and trial convenience. *See United Mine Workers of America v. Gibbs*, 383 U.S. 715, 724, 86 S.Ct. 1130, 16 L.Ed.2d 218 (1966); *State of Ohio ex rel. Fisher v. Louis Trauth Dairy, Inc.*, 856 F.Supp. 1229, 1239 (S.D. Ohio 1994). Finally, whether to allow the joinder of parties rests within the discretion of the district court. *See Mosley, supra*, at 1332.

The circumstances surrounding the plaintiffs' claims have not been developed to the point where severance is warranted. The factual record is bare, and until it is more fully developed, it is

in the interests of judicial economy and fairness to the parties that the claims remain a part of a single cause of action.

Motions to Sever having been made in this case by the defendants, and the court being otherwise sufficiently advised, **IT IS HEREBY ORDERED AND ADJUDGED** that the defendants' Motions to Sever are **DENIED**. However, if at a later date, the record more clearly indicates that severance of the plaintiffs' claims is appropriate, the defendants may renew their motions at that time.

This \_\_\_\_\_ day of \_\_\_\_\_, 2000.

---

CHARLES R. SIMPSON III, CHIEF JUDGE  
UNITED STATES DISTRICT COURT

cc: Counsel of Record