

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

HUNTINGTON INGALLS INDUSTRIES, INC.,
Appellant,

v.

Civil No. 3:25cv5 (DJN)

HOPEMAN BROTHERS, INC.,
Appellee.

CERTAIN CLIENTS OF ROUSSEL & CLEMENT,
Appellant,

v.

Civil No. 3:25cv18 (DJN)

HOPEMAN BROTHERS, INC.,
Appellee.

ORDER
(Granting Motion to Consolidate Related Actions)

This matter comes before the Court on Appellant Certain Clients of Roussel & Clement’s (“Roussel & Clement Creditors”) Motion to Consolidate Cases. (Case No. 3:25cv5, ECF No. 8; Case No. 3:25cv18, ECF No. 7 (“Motion”).) In the Motion, the Roussel & Clement Creditors request that the Court consolidate and merge the two bankruptcy appeals in Civil Case Nos. 3:25cv5 and 3:25cv18. (*Id.*)

Specifically, the Roussel & Clement Creditors assert that both cases appeal the same Order from the United States Bankruptcy Court for the Eastern District of Virginia and involve overlapping legal issues arising from the same set of operative facts. (Case No. 3:25cv5, ECF No. 9 (“Mem.”) at 4–5.) Further, the Roussel & Clement Creditors contend that consolidation “would create no risk of inconvenience, delay, or expense, and would avoid significant repetitive



briefing and argument,” all while “preserv[ing] the resources of both the Court and the parties,” serving judicial economy and avoiding the risk of inconsistent determinations. (*Id.*) Appellant Huntington Ingalls Industries, Inc. (“HII”) consents to the Motion. (Case No. 3:25cv5, ECF No. 10 at 1.) Appellee Hopeman Brothers, Inc. (“Appellee”) has filed no response in opposition to the Motion and the time for doing so has passed.

“When parties have separately filed timely notices of appeal, the district court . . . may join or consolidate the appeals.” Fed. R. Bankr. P. 8003(b)(2). Further, Federal Rule of Civil Procedure 42(a) states that “[i]f actions before the court involve a common question of law or fact, the court may . . . consolidate the actions.” Fed. R. Civ. P. 42(a)(2). Rule 42 provides district courts with broad discretion to consolidate pending cases. *R.M.S. Titanic, Inc. v. Haver*, 171 F.3d 943, 959 (4th Cir. 1999). In exercising this discretion, courts weigh “the specific risks of prejudice and possible confusion from consolidation” against the “risk of inconsistent adjudications . . . , the burden on parties, witnesses, and available judicial resources posed by multiple lawsuits, the length of time required to conclude multiple suits as against a single one, and the relative expense” *Campbell v. Boston Scientific Corp.*, 882 F.3d 70, 74 (4th Cir. 2018).


Here, the Court finds that consolidation would not prejudice any party and that the balance of the factors weighs in favor of consolidation. Both cases appeal the bankruptcy court’s December 20, 2024 Order (I) Approving the Settlement Agreement and Release Between the Debtor and Certain Settling Insurers; (II) Approving the Sale of Certain Insurance Policies; (III) Issuing an Injunction Pursuant to the Sale of Certain Insurance Policies; and (IV) Granting Related Relief. (Bankr. Case No. 24-32428, ECF No. 442.) The two appeals also involve similar legal theories stemming from the same factual record.

While Appellants' arguments may not be identical, any distinctions do not predominate, nor do they change the overall calculus as to consolidation. Given that both Appellants appeal the same Order, the issues underlying the case should not cause confusion. Further, consolidation will eliminate the risk of inconsistent adjudications against Appellee. Moreover, both Appellants request consolidation, agreeing that no party will be prejudiced by merging these two cases, and Appellee has not opposed the Motion. Lastly, consolidating the cases is in the interest of judicial economy. Within a single appeal, the parties will be able to prepare their arguments in one set of briefs, while preserving their resources and those of the Court.

Accordingly, the Court hereby GRANTS the Motion (Case No. 3:25cv5, ECF No. 8; Case No. 3:25cv18, ECF No. 7) and ORDERS that the following appeals — Case Nos. 3:25cv5 and 3:25cv18 — shall be consolidated. All pleadings and briefs filed in connection with the consolidated appeal shall be filed under Case No. 3:25cv5.

The Clerk is directed to send a copy of this Order to all counsel of record and to file this Order in each of the related actions.

It is so ORDERED.


_____/s/_____
David J. Novak
United States District Judge

Richmond, Virginia
Date: March 7, 2025

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