

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

DOREEN GEE, on behalf of herself and )  
all others similarly situated, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
UNUMPROVIDENT CORPORATION, *et al.*, )  
 )  
Defendants. )

No. 1:03-CV-147

Judge Curtis L. Collier

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BONNIE SCANLON, on behalf of herself and )  
all others similarly situated, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
UNUMPROVIDENT CORPORATION, *et al.*, )  
 )  
Defendants. )

No. 1:03-CV-176

Judge Curtis L. Collier

**ORDER**

Plaintiff Doreen Gee filed a lawsuit against UnumProvident Corporation (“UnumProvident”); and directors, officers, and fiduciaries of UnumProvident (“Defendants”), alleging Defendants breached fiduciary duties under the Employee Retirement Income Security Act (“ERISA”), 29 U.S.C. § 1109, owed to her and other participants and beneficiaries of a 401(k) plan established as a benefit for UnumProvident employees (Case File No. 1:03-CV-147). Plaintiff Bonnie Scanlon subsequently filed an essentially identical complaint against the same Defendants, alleging the same underlying facts and asserting the same claims for relief (Case File No. 1:03-CV-176). Both complaints include class

action allegations and seek relief on behalf of a class of 401(k) plan participants and beneficiaries.

Pursuant to Rule 42, Federal Rules of Civil Procedure, “[w]hen actions involving a common question of law or fact are pending before the court . . . it may order all the actions consolidated . . . .” The Court finds these actions involve common questions of law and fact, and consolidation is both necessary and appropriate to avoid unnecessary costs and delay and to maximize judicial resources. Accordingly, the Court **ORDERS** the above-captioned cases **CONSOLIDATED** for all purposes, including trial, pursuant to Rule 42(a) of the Federal Rules of Civil Procedure.

The Court further **ORDERS** the parties file all documents related to this matter in Case No. 1:03-CV-147, pending final resolution of the cases. Documents previously filed in Case No. 1:03-CV-176 will be deemed to have been filed in No. 1:03-CV-147. Likewise, the Clerk of the Court need not docket future filings in Case No. 1:03-CV-176, as everything filed hereafter in Case No. 1:03-CV-147 will be deemed to have been filed in Case No. 1:03-CV-176. When these consolidated cases are resolved, the final order will be placed in each of the case files, and the cases will then be closed.

In the event a party opposes the consolidation of these cases, that party shall file any objection to this Order on or before **Tuesday, October 21, 2003.**

**SO ORDERED.**

**ENTER:**

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CURTIS L. COLLIER  
UNITED STATES DISTRICT JUDGE