

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Bitco General Insurance Corporation v. BJ’s Oilfield Construction
Inc. et al.; Axis Specialty Europe SE v. Bitco General Insurance
Corporation et al.

Bitco; Axis · No. CIV-25-405-G; CIV-25-819-G · Decided February 9, 2026

SUMMARY

The United States District Court for the Western District of Oklahoma grants Axis Specialty Europe SE’s unopposed motion to consolidate two insurance coverage actions under Federal Rule of Civil Procedure 42(a). The court finds substantial overlap in the factual and legal issues, consolidates the cases for all purposes under Case No. CIV-25-405-G, strikes pending deadlines, and administratively closes Case No. CIV-25-819-G.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Barbs B. Kadota
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	February 9, 2026
DOCKET	CIV-25-405-G; CIV-25-819-G
DISPOSITION	other
PROCEDURAL POSTURE	The court considered an unopposed motion by Axis Specialty Europe SE to consolidate the Axis action with the earlier-filed BITCO action under Federal Rule of Civil Procedure 42(a).
STANDARD OF REVIEW	The court determined under Federal Rule of Civil Procedure 42(a) whether the actions involved common questions of law or fact and whether consolidation would cause delay, confusion, or prejudice.
PRECEDENTIAL VALUE	Unknown

TOPICS

- joinder
- civil procedure
- insurance
- commercial litigation

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the two actions should be consolidated for all purposes under Federal Rule of Civil Procedure 42(a) because they involve common questions of law or fact.
2. Whether consolidation would cause delay, confusion, or prejudice to the parties.

HOLDINGS

1. Actions involving common questions of law or fact may be consolidated for convenience and economy, and these two actions were appropriately consolidated for all purposes because they share substantial factual and legal overlap.

KEY QUOTATIONS

“Consolidation of cases is permitted as a matter of convenience and economy, even though consolidation does not merge separate suits into one cause of action.” (at 2)

“Both actions turn on the same principal legal issue: which insurer(s) had a duty to defend and indemnify SunPower and OG&E.” (at 2)

FACTUAL BACKGROUND

The two insurance actions concern overlapping factual and legal issues, including which insurer or insurers had a duty to defend and indemnify SunPower and OG&E. Axis represented that all parties to the Axis action agreed to consolidation. No party to the BITCO action filed a response opposing consolidation.

PROCEDURAL HISTORY

Axis Specialty Europe SE moved to consolidate Case No. CIV-25-819-G with the earlier-filed BITCO action, Case No. CIV-25-405-G, based on substantial factual and legal overlap. The court provided the parties in the BITCO action an opportunity to respond, but no response was filed. The court granted consolidation for all purposes, ordered the cases to proceed under the BITCO docket, struck pending deadlines in Case No. CIV-405-G as stated in the order, and directed the Clerk to administratively close the Axis action.

DISPOSITION

other

CASES CITED

- Harris v. Ill.-Cal. Exp., Inc., 687 F.2d 1361, 1368 (10th Cir. 1982)