

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

**Moore Machine Tools LLC, a Utah Limited Liability Company; and
Nukon USA, LLC, a Utah Limited Liability Company v. Furkan
Aydin, an Individual; Katherine Fay, an Individual; and Fay Makina
North America LLC, a Utah Limited Liability Company**

Moore Machine Tools · No. 2:24-cv-00793-DBB-JCB · Decided April 9, 2026

SUMMARY

The United States District Court for the District of Utah grants Plaintiffs’ motion under Federal Rule of Civil Procedure 42(a) to consolidate the Aydin Case with a related action involving Nukon USA and Nukon Turkey. The court finds common questions concerning ownership of the NUKON trademark, alleged contractual violations, and related party relationships, and concludes that consolidation will promote efficiency without causing undue prejudice or delay.

CASE DETAILS

COURT	United States District Court for the District of Utah
WRITING FOR THE COURT	David Barlow
JURISDICTION	United States District Court for the District of Utah
DECIDED	April 9, 2026
DOCKET	2:24-cv-00793-DBB-JCB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved under Federal Rule of Civil Procedure 42(a) to consolidate this action with a related action pending in the same district. The court considered whether the actions involved common questions of law or fact and whether consolidation would promote judicial convenience without causing delay, confusion, or prejudice.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 42(a), the party seeking consolidation bears the burden of showing that consolidation is proper. The court first determines whether the actions involve a common question of law or fact and then weighs the judicial convenience and efficiency gained from consolidation against potential delay, confusion, and prejudice.
PRECEDENTIAL VALUE	unpublished

TOPICS

civil procedure

commercial litigation

trademark law

trade secrets

contracts

PRACTICE AREAS

civil procedure

commercial litigation

intellectual property

contracts

QUESTIONS PRESENTED

1. Whether the Aydin Case and the Nukon Case involved common questions of law or fact sufficient to satisfy Federal Rule of Civil Procedure 42(a).
2. Whether the efficiency and judicial convenience gained by consolidating the actions outweighed the potential for delay, confusion, or prejudice arising from their different procedural stages.

HOLDINGS

1. The actions involved common questions of law and fact because substantial portions of the claims in both cases depended on overlapping factual determinations and legal conclusions, including ownership of the NUKON trademark, alleged violations of the distribution agreement, and related conduct involving the parties.
2. Consolidation was appropriate because it would reduce duplicative discovery, promote efficiency, and reduce the risk of inconsistent outcomes, while the actions were not so far apart procedurally that consolidation would cause significant delay or prejudice.

KEY QUOTATIONS

“If actions before the court involve a common question of law or fact, the court may: (1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or delay.”

“Initially, the court should decide if the actions involve a common question. If a common question of law or fact exists, ‘the court should [then] weigh the interests of judicial convenience in consolidating the cases against the delay, confusion, and prejudice that consolidation might cause.’”

FACTUAL BACKGROUND

Moore Machine Tools LLC and Nukon USA LLC alleged that Furkan Aydin and Katherine Fay misappropriated proprietary information, formed a competing company, used the NUKON trademark, and made false statements affecting Nukon USA's relationship with Nukon Turkey. In a separate action, Nukon USA alleged that Nukon Turkey breached an exclusive-distribution agreement, infringed the NUKON mark, and engaged in related misconduct; Nukon Turkey asserted counterclaims concerning the agreement and ownership of the mark. The two actions shared factual and legal questions concerning ownership of the NUKON trademark, the distribution agreement, and interactions among Nukon USA, Moore Machine Tools, Aydin, Fay Makina, and Nukon Turkey.

PROCEDURAL HISTORY

Plaintiffs filed the motion to consolidate on December 18, 2025. Nukon Turkey, the sole defendant in the related action, objected, and the defendants in this action joined the objection. The court granted the motion after finding substantial overlapping questions concerning ownership of the NUKON trademark, alleged violations of the distribution agreement, and related conduct, and concluding that the different procedural stages of the two actions would not materially prejudice the parties.

DISPOSITION

other

CASES CITED

- Phillip M. Adams & Assocs., LLC v. Dell Inc., 2008 WL 203316, at *2 (D. Utah Jan. 23, 2008)
- Dreger v. Progressive Leasing LLC, 2024 WL 115854, at *2–3 (D. Utah Jan. 10, 2024)
- Cheney v. Judd, 429 F. Supp. 3d 931, 936 (D.N.M. 2019)
- Gradie v. C.R. England, Inc., 2017 WL 325201, at *2 (D. Utah Jan. 23, 2017)
- Petromanagement Corp. v. Acme-Thomas Joint Venture, 835 F.2d 1329, 1334 (10th Cir. 1987)
- Davidson v. Baird, 2019 UT App 8, 438 P.3d 928, 945
- Eldridge v. Johndrow, 2015 UT 21, 345 P.3d 553
- Westmont Mirador, LLC v. Miller, 2014 UT App 209, 362 P.3d 919, 921
- DeBry v. Godbe, 1999 UT 111, 992 P.2d 979
- Holiday v. Progressive Insurance Co., 2021 WL 1753570, at *1 (D. Utah May 4, 2021)
- Hasman v. G.D. Searle & Co., 106 F.R.D. 459, 461 (E.D. Mich. 1985)
- French v. American Airlines, 2009 WL 1578288, at *2 (D. Utah June 2, 2009)
- Long v. Dickson, 2006 WL 1896258, at *1 (D. Kan. 2006)
- C.R. Bard, Inc. v. Medical Components, Inc., 2021 WL 2043206, at *5 (D. Utah May 21, 2021)
- Allegis Investment Services, LLC v. Arthur J. Gallagher & Co., 2017 WL 6512240, at *6 (D. Utah Dec. 19, 2017)