

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
VIRGINIA, HARRISONBURG DIVISION

Jonathan M. Morris and Katelyn D. Welton v. Enerco Group, Inc., et
al.

Morris and Welton v. Enerco Group · No. 5:25-cv-00100; 5:25-cv-00101 · Decided December 23, 2025

SUMMARY

The United States District Court for the Western District of Virginia denied the plaintiffs’ motions opposing consolidation for trial in two product-liability actions arising from the same propane-heater explosion. The court ordered the cases consolidated for discovery and trial under Federal Rule of Civil Procedure 42(a), designating Case No. 5:25-cv-00100 as the lead case.

CASE DETAILS

COURT	United States District Court for the Western District of Virginia, Harrisonburg Division
WRITING FOR THE COURT	Jasmine H. Yoon
JURISDICTION	United States District Court for the Western District of Virginia, Harrisonburg Division
DECIDED	December 23, 2025
DOCKET	5:25-cv-00100; 5:25-cv-00101
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs in two related product-liability actions moved to oppose consolidation for trial, while supporting consolidation for pretrial purposes. The district court denied the motions and ordered the actions consolidated for discovery and trial under Federal Rule of Civil Procedure 42(a).
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 42(a), once cases are found to involve a common question of law or fact, consolidation is committed to the district court's discretion, subject to consideration of prejudice, confusion, inconsistent adjudications, litigation burdens, delay, and expense.
PRECEDENTIAL VALUE	unknown

TOPICS

civil procedure

joinder

products liability

personal injury

PRACTICE AREAS

civil procedure

products liability

personal injury

commercial litigation

QUESTIONS PRESENTED

1. Whether the two related product-liability actions involved common questions of law or fact sufficient to satisfy Federal Rule of Civil Procedure 42(a).
2. Whether the risk of prejudice or jury confusion from trying the plaintiffs' different injuries and possible contributory-negligence issues outweighed the benefits of consolidating the actions for trial.
3. Whether consolidation for trial was premature because future discovery might reveal additional prejudice.

HOLDINGS

1. The court may consolidate the two actions for all purposes, including trial, because they arise from the same incident, involve the same defendants and substantially identical theories, and present common questions of law and fact.
2. Differences in the plaintiffs' injuries and the possibility of individualized contributory-negligence findings did not require separate trials because the asserted prejudice and confusion were speculative and could be addressed through appropriate jury instructions.
3. Consolidation for trial was not premature, although the plaintiffs may later move for severance if discovery reveals a more significant risk of prejudice.

KEY QUOTATIONS

“Consolidation “does not merge suits; it is a mere matter of convenience in administration, to keep them in step. They remain as independent as before.”” (Analysis)

“For the foregoing reasons, the court will order that Case No. 5:25-cv-00100 be consolidated with Case No. 5:25-cv-00101 for purposes of discovery and trial pursuant to Federal Rule of Civil Procedure 42(a).”

(Conclusion)

FACTUAL BACKGROUND

Morris and Welton, who are husband and wife, alleged that they were injured when a defective propane heater exploded in their shared mobile home. They asserted the same six counts against the same defendants under identical product-liability and warranty theories and sought the same categories of damages. The court found that both actions arose from a single incident and presented substantially overlapping questions of law and fact.

PROCEDURAL HISTORY

Jonathan M. Morris and Katelyn D. Welton separately filed actions against the same defendants arising from the explosion of a propane heater in their shared mobile home. After determining that the actions involved common

questions of law and fact, the court indicated that it intended to consolidate them and invited objections. Plaintiffs objected to consolidation for trial, but the court concluded that the common issues and judicial-economy considerations outweighed speculative prejudice and confusion.

DISPOSITION

other

CASES CITED

- U.S. ex rel. Sprinkle Masonry, Inc. v. THR Enters., Inc., No. 2:14-cv-251, 2014 WL 4748527, at *2 (E.D. Va. Sept. 23, 2014)
- Capps v. Newmark S. Region, LLC, 53 F.4th 299, 302 (4th Cir. 2022)
- Hall v. Hall, 584 U.S. 59, 70 (2018)
- Campbell v. Bos. Sci. Corp., 882 F.3d 70, 74-75 (4th Cir. 2018)
- Arnold v. E. Air Lines, Inc., 681 F.2d 186, 193 (4th Cir. 1982)
- Manganaro MidAtlantic, LLC v. KBE Bldg. Corp., No. 3:19-cv-80, 2020 WL 5209535, at *2 (W.D. Va. Sept. 1, 2020)
- Kelley v. U.S., 580 F. Supp. 2d 490, 494 (E.D. Va. 2008)
- Davenport v. Goodyear Dunlop Tires N. Am., Ltd., No. 1:15-cv-3751, 2016 WL 6216200, at *2 (D.S.C. Oct. 25, 2016)
- Durham v. S. Ry. Co., 254 F. Supp. 813, 815-16 (W.D. Va. 1966)
- Vicky M. v. Ne. Educ. Intermediate Unit, No. 3:06-cv-1898, 2010 WL 481244, at *1-2 (M.D. Pa. Feb. 4, 2010)