

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**

Case No. 2:24-cv-00793-DBB-JCB (D. Utah Apr. 9, 2026) · 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 business interactions, and concludes that consolidation will promote efficiency without 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 Nukon USA v. Nukon Makina Metal Sanayi Ve Ticaret A.S., Case No. 2:25-cv-00510-JNP-CMR. Defendants and the sole defendant in the related action opposed consolidation.
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, then balances the judicial convenience and efficiency gained from consolidation against potential delay, confusion, and prejudice.

PRECEDENTIAL VALUE	Unpublished district court memorandum decision; persuasive rather than generally precedential.
PARTIES	Moore Machine Tools LLC, Nukon USA, LLC v. Furkan Aydin, Katherine Fay, Fay Makina North America LLC

TOPICS

civil procedure joinder commercial litigation trademark law contracts

PRACTICE AREAS

civil procedure commercial litigation trademark law trade secrets contracts

QUESTIONS PRESENTED

1. Whether the Aydin Case and the Nukon Case involve common questions of law or fact sufficient to satisfy Federal Rule of Civil Procedure 42(a).
2. Whether the efficiencies and avoidance of inconsistent outcomes resulting from consolidation outweigh the potential for delay, confusion, or prejudice caused by differences in the parties, claims, and procedural stages of the two actions.

HOLDINGS

1. The Aydin Case and the Nukon Case involve common questions of law and fact because both substantially concern ownership of the NUKON trademark, whether Nukon Turkey violated its agreement with Nukon USA, and related conduct involving overlapping parties and transactions.
2. Consolidation is appropriate because it will reduce duplicative discovery, promote efficiency, and reduce the risk of inconsistent outcomes, while the cases are not so far apart procedurally that consolidation would cause undue prejudice.

KEY QUOTATIONS

“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.’” (at 3)

“Actions should only be consolidated if doing so “will avoid unnecessary costs, save judicial resources and efficiency, and will not prejudice the parties.”” (at 4)

“Therefore, the court concludes that these actions involve “common question[s] of law or fact” as required under Rule 42(a).” (at 7)

“Considering the phase of litigation for each action, the court determines that consolidation here would not prejudice the parties.” (at 10)

FACTUAL BACKGROUND

The Aydin Case concerns allegations that former Moore Machine Tools lead laser engineer Furkan Aydin and Katherine Fay misappropriated proprietary information, formed a competing company, used Nukon USA's NUKON trademark, and made false statements to Nukon Turkey. The related Nukon Case concerns a distributorship agreement between Nukon USA and Nukon Turkey, including alleged breaches and competing claims concerning ownership and use of the NUKON mark. Both actions involve overlapping relationships among Nukon USA, Moore Machine Tools, Fay Makina, Aydin, and Nukon Turkey, as well as common issues concerning trademark ownership and the parties' contractual relationship.

PROCEDURAL HISTORY

Plaintiffs filed the initial complaint on October 22, 2024, and an amended complaint on December 18, 2024. Plaintiffs moved to consolidate on December 18, 2025. After receiving an objection from Nukon Turkey and an opposition from the defendants, the court granted the motion, concluding that the actions shared significant legal and factual questions and that consolidation would promote efficiency without causing undue prejudice.

DISPOSITION

other

CASES CITED

- Phillip M. Adams & Assocs., LLC v. Dell Inc., No. 1:05-CV-64 TS, 2008 WL 203316, at *2 (D. Utah Jan. 23, 2008)
- Dreger v. Progressive Leasing LLC, No. 2:23-CV-00783-DBB-CMR, 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., No. 2:16-CV-001015-DN, 2017 WL 325201, at *2 (D. Utah Jan. 23, 2017)
- Davidson v. Baird, 2019 UT App 8, ¶ 55, 438 P.3d 928, 945
- Eldridge v. Johndrow, 2015 UT 21, ¶ 70, 345 P.3d 553
- Westmont Mirador, LLC v. Miller, 2014 UT App 209, ¶ 2, 362 P.3d 919, 921
- DeBry v. Godbe, 1999 UT 111, ¶ 8, 992 P.2d 979
- Holiday v. Progressive Ins. Co., No. 2:21-CV-173-DAK-DBP, 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)
- Petromanagement Corp. v. Acme-Thomas Joint Venture, 835 F.2d 1329, 1334 (10th Cir. 1988)
- Allegis Inv. Servs., LLC v. Arthur J. Gallagher & Co., No. 2:17CV515DAK, 2017 WL 6512240, at *6 (D. Utah Dec. 19, 2017)
- French v. Am. Airlines, No. 2:08-CV-638 TD, 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. Med. Components, Inc., No. 2:12-CV-00032-RJS-DAO, 2021 WL 2043206, at *5 (D. Utah May 21, 2021)

