

13-1174 GELBOIM V. BANK OF AMERICA CORP.

DECISION BELOW: 13-3565 Order

LOWER COURT CASE NUMBER: 13-3565, 13-3636

QUESTION PRESENTED:

The question "whether consolidated cases retain their separate identity or become one case for purposes of appellate jurisdiction has divided the courts of appeals." *United States ex rel. Hampton v. Columbia/HCA Healthcare Corp.*, 318 F.3d 214, 216 (D.C. Cir. 2003). "Some circuits hold that consolidated cases remain separate actions and no Rule 54(b) certification is needed to appeal the dismissal of any one of them. Others treat consolidated cases as a single action, or presume that they are, allowing the presumption to be overcome in highly unusual circumstances. Still other circuits apply no hard and fast rule, but focus on the reasons for the consolidation to determine whether the actions are one or separate." *Id.* (citations and alterations omitted). This Court granted certiorari to resolve the conflict in *Erickson v. Maine Central Railroad Co.*, 111 S. Ct. 38 (1990) (mem.), but the petition was subsequently dismissed, 111 S. Ct. 662 (1990) (mem.).

The Question Presented is:

Whether and in what circumstances is the dismissal of an action that has been consolidated with other suits immediately appealable?

CERT. GRANTED 6/30/2014