

**IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
(Civil Division)**

<b>CAROLE ELIZABETH VEST,</b>	:
<b>Plaintiff,</b>	:
	:
v.	: Civil Action No.: 2024-CAB-002804
	: Judge Maurice A. Ross
<b>ANGELA MCARDLE, et al.</b>	: Next Event: Discovery Request Deadline
<b>Defendants.</b>	: Date: 01/16/2025

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**CONTESTED MOTION TO CONSOLIDATE**

Plaintiff Carole Elizabeth Vest (“Vest”) and Caryn Ann Harlos (“Harlos”), who is plaintiff in a companion and substantially similar action against Defendants Angela McCardle and the Libertarian National Committee (“LNC”), by and through undersigned counsel, respectfully request that the matter pending 2024-CAB-006230 currently before Katherine E. Oler, pursuant to SCR-Civil Rule 42 be consolidated into this matter due to common issues of fact and law, the same defendants being involved, the presence of interrelated claims, and for the for the reasons set forth herein.

**Procedural Background**

On May 3, 2024, Vest, then a director in the LNC, filed this action against Defendants McArdle and the LNC. In summary, her claims seek immediate suspension and ultimate removal of McArdle, who is, and for all times relevant was, Chair of the LNC, the nation’s third-biggest political party. Vest’s claims are based on factual allegations regarding McArdle’s purported violations of LNC’s by-laws, actions despite clear conflicts of interest, and breaches of the fundamental purpose of the LNC as identified in the LNC’s operative documents. Vest set forth a claim of a breach of the by-laws and fundamental rules and purpose of the LNC and a derivative action for the immediate suspension of McArdle against McArdle and the LNC, a

separate claim for breach of fiduciary duty against McArdle and a claim for breach of access of records under D.C. Code § 29-413.02. She amended her Complaint on August 13, 2024.

Defendants moved to dismiss this action in its entirety through a Motion to Dismiss filed on October 10, 2024, which Vest opposed. On December 18, 2024, this Court denied Defendants' Motion to Dismiss. The case is now in its discovery phase.

On October 1, 2024, Harlos, then and still a director (and secretary) in the LNC, filed an action in Superior Court against McArdle and the LNC, assigned case number 2024-CAB-006230. Her claims also seek immediate suspension and ultimate removal of McArdle Her claims were also based on factual allegations regarding McArdle's purported violations of LNC's by-laws, acting with conflicts of interest, and breach of the fundamental purpose of the LNC as identified in the LNC's operative documents. Harlos also set forth a claim of a breach of the by-laws and fundamental rules and purpose of the LNC and a derivative action for the immediate suspension of McArdle against McArdle and the LNC, a separate claim for breach of fiduciary duty against McArdle and a claim for breach of access of records under D.C. Code § 29-413.02. She amended her Complaint on November 22, 2024. In that matter, McArdle and the LNC, represented by the same counsel as is counsel of record in this case, moved to dismiss the Harlos Amended Complaint on substantially similar grounds as they sought dismissal here. That matter has an initial hearing set for January 10, 2024.

Importantly, both matters involve many of the same factual allegations against and concerning McArdle, Chair of the LNC at all relevant times. Both plaintiffs and both defendants are represented by the same counsel. Both Vest and Harlos have alleged that McArdle violated her fundamental fiduciary duties and duties of loyalty to the LNC and to the Libertarian Party as a whole through self-dealing, outright violations of core principles of the Party, diversion of

Party assets to unrelated third-parties, misuse of Party assets, the ordering payments of tens of thousands of the Party's funds in self-interested transactions, and the failure to disclose clear conflicts of interest existing in several other transactions commanded by her through her repeated unilateral actions without consulting the LNC as required. Vest Amended Complaint at ¶1; Harlos Amended Complaint at ¶1. Both Vest and Harlos generally allege that McArdle's self-interests have controlled the vast majority of her decisions. *See id.* Both allege that McArdle has attempted to wrongfully conceal many transactions. *See id.* Both seek for McArdle to be immediately suspended and removed as LNC Chair due to her complete refusal to meet her fiduciary duties by consistently breaking party bylaws and rules, Federal Election Commission Rules, and the law before these actions ultimately destroy the Libertarian Party. *See id.; see also id.* at Count I.

For the foregoing reasons, these cases are appropriate for consolidation. Both matters are at similar stages of the process, making consolidation efficient and without concern of delay. Although a scheduling order was previously entered in this matter, discovery can be slightly extended in this matter, if the cases are consolidated here, and permit ample time for all parties to participate in and conclude discovery. Both matters will involve many of the same factual allegations, witnesses, and issues.

### **Argument**

SCR-Civil Rule 42(a)(1)(B) allows the Court when actions "involve a common question of law or fact" to consolidate the actions. Both actions relevantly involve many of the same factual allegations and the same basic claims against McArdle and the LNC.

As such, the consolidation of the cases will promote judicial economy and efficiency as well as deter duplicative discovery as the cases involve the same set of facts, goals echoed by the

Court of Appeals. *See, e.g., Brown v. United States*, 139 A.3d 870, 872 n.1 (D.C. 2016). Courts have explained that actions that involve the same parties are “apt” candidates for consolidation. *Hanson v. District of Columbia*, 257 F.R.D. 19, 21 (D.D.C. 2009) (citing 9 FED. PRAC. & PROC. CIV. 3D § 2384).<sup>1</sup> “Moreover, consolidation is particularly appropriate when the actions are likely to involve substantially the same witnesses and arise from the same series of events or facts,” as is the case here, as Harlos and Vest cite to many of the same purported conduct in support of their claims. *Id.* Consolidation of actions is “a valuable and important tool of judicial administration” and helps to “relieve the parties and the court of the burden of duplicative pleadings and court orders.” *Id.* (internal citations omitted). Moreover, courts have explained that consolidation avoid the risk of inconsistent rulings on legal and factual issues, which here would include a separate attempt in the Harlos suit to dismiss substantially similar claims on substantially similar grounds as dismissal was sought here. *See Trs. of the IAM Nat'l Pension Fund v. Ohio Magnetics, Inc.*, 2021 U.S. Dist. LEXIS 133454, at \*9 (D.D.C. July 16, 2021).

Courts interpreting substantial similar consolidation considerations have found that in similar circumstances, consolidation meets several goals of the judiciary. As one court explained, “[c]onsolidation will avoid duplicative parallel activities, save time, avoid the risk of inconsistent rulings, and be more cost-effective.” *In re Data Sec. Cases v. Nelnet Servicing, LLC*, 2023 U.S. Dist. LEXIS 15332, at \*19 (D. Neb. Jan. 30, 2023). Courts have also found that a brief delay in one of two actions being consolidated does not constitute prejudice for a plaintiff, as the plaintiff will benefit from the efficiency of consolidation as well. *See, e.g., Nishon v. Ford Motor Co.*, 2024 U.S. Dist. LEXIS 8835, at \*4 (E.D. Mich. Jan. 17, 2024).

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<sup>1</sup> The Court of Appeals has generally stated that it follows federal law on the issue of consolidation. *See, e.g., RFB Props. II, LLC v. Deutsche Bank Tr. Co. Ams.*, 247 A.3d 689, 694 (D.C. 2021))

Further, any notion by Defendants that the claims of Vest and Harlos are independent and distinct does not support denial of this Motion. “Even where cases are consolidated pursuant to Rule 42, the cases retain their separate identities, because while consolidation is permitted as a matter of convenience and economy in administration, it does not merge the suits into a single cause, or change the rights of the parties, or make those who are parties in one suit parties in another.” *Millers Capital Ins. v. Hydrofarm, Inc.*, 340 F.R.D. 198, 208 (D.D.C. 2022) (internal citations omitted).

Here, Vest and Harlos seek the same relief and allege many of the same factual and legal assertions to support that relief. The risk of inconsistent rulings here also exists, especially with this Court already denying a Motion to Dismiss on substantially similar grounds as the one filed in the Harlos action. Further, should these matters proceed to trial, many of the same witnesses would be present in both matters, including but not limited to McArdle. Further, given the nature of these disputes, both arising from Libertarian directors/officers against the Chair of the Libertarian governing body (the LNC) as well as the LNC itself, judicial economy of the Superior Court is certainly promoted through consolidation.

WHEREFORE, Vest and Harlos respectfully request that this action be consolidated with the Harlos action (2024-CAB-006230).

Respectfully submitted,

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*Counsel for Defendant Hartmann*

**RULE 12-I CERTIFICATION**

On the 26<sup>th</sup> day of December, I, Christopher LaFon, state that I previously contacted Defendants' counsel via e-mail seeking consent for the relief sought in this motion. On the 20<sup>th</sup> day of December, 2024, via e-mail, Defendants' counsel denied consent.

/s/ Christopher L. LaFon  
Christopher L. LaFon, Esq.

**CERTIFICATE OF SERVICE**

I hereby certify that, on the 26th day of December 2024, I caused a copy of the foregoing to be served via the Court's e-filing system to counsel of record in this action and the action assigned case number 2024-CAB-006230. A praecipe including this Motion was also filed in 2024-CAB-006230.

/s/ Christopher LaFon