

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION
CIVIL ACTION NO. 2:11-CV-71-FL**

TM, LLC,)
	Plaintiff,)
)
v.)
)
GARY CHARLES ANDERSON,)
KATHERINE GAIL ANDERSON, CYA)
OBX, LLC, ANDERSON HOMES OF)
THE OUTER BANKS, LLC, LINDA)
DESIBIA, ELIZABETH DESIBIA,)
QUINN DESIBIA, ALEXANDRIA)
DESIBIA and PARIS FASCHETTE,)
Defendants.)

ORDER TO TEMPORARILY STAY CASE

This matter comes before the court upon the joint request of all parties to temporarily stay proceedings pending possible settlement of this entire matter. It appears to the Court as follows:

1. On October 24, 2013, legal counsel for Plaintiff and legal counsel for all the Defendants in this action negotiated and agreed upon the terms of a settlement agreement whereby all claims between the parties, including the claims that are the subject of this Action, will be fully and finally resolved if Plaintiff receives a settlement payment on or before December 10, 2013.
2. Counsel for the parties have negotiated a Settlement Agreement (“Agreement”) which is currently circulating amongst the parties for execution.

3. The Agreement contemplates payment to Plaintiff from the sales proceeds of real property located at 524 S. Hesperides Dr., Nags Head, North Carolina (“Real Property”).
4. Katherine Gail Anderson and Gary Charles Anderson (“Andersons”) have contracted with a buyer for the Real Property. The due diligence is in process. If the sale is successful, closing should occur on or before December 10, 2013. The Agreement contemplates payment to Plaintiff directly from the Real Property closing attorney.
5. If Plaintiff receives the payment provided for in the Agreement on or before December 10, 2013, the parties have agreed to dismiss this action with prejudice.
6. If Plaintiff does not receive the settlement proceeds on or before December 10, 2013, the parties have agreed that this litigation should continue.
7. In light of the pending sale, the parties jointly request that the Court stay all proceedings in this matter until December 10, 2013.
8. Depositions of the Andersons are scheduled Monday, October 28, 2013 and Tuesday, October 29, 2013.
9. The parties jointly request that the Court modify scheduling deadlines to accommodate the potential settlement.

IT IS HEREBY ORDERED as follows:

1. All proceedings in this action are stayed through December 10, 2013;
2. This stay automatically terminates such that proceedings in this case may resume December 11, 2013, if a dismissal is not filed by that time;
3. Plaintiff may notice depositions of the Andersons to occur between December 11, 2013 and January 1, 2014; and
4. The parties may file dispositive motions on or before February 1, 2014.

This the 28th day of October, 2013.



LOUISE W. FLANAGAN
United States District Court Judge