

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
No. 4:12-CV-35-D

D.A.N. JOINT VENTURE III, L.P.,	§
	§
Appellant,	§
	§
VS.	§
	§
L.L. MURPHREY COMPANY, ET AL.,	§
	§
Appellees.	§


**AGREED ORDER ON MOTION FOR STAY OF BRIEFING
ON APPEAL AND ESTABLISHING DEADLINES FOR FILING BRIEFS**

Before the Court is Appellant D.A.N. JOINT VENTURE III, L.P.’s (“DJV”) *Emergency Motion for Stay of Briefing on Appeal Pending Decision by Bankruptcy Court on Rule 60(b) Motion for Reconsideration* (Dkt No. 15) (the “**Motion**”). The parties have indicated to the Court, by virtue of the signatures of respective counsel below, that they have resolved the Motion by agreeing to entry of this Order establishing specific deadlines by which the parties shall file their respective briefs on appeal.

Accordingly, it is ORDERED, as follows:

1. The Motion shall be GRANTED but only as set forth herein.
2. DJV’s opening brief, as the appellant in this appeal, shall be filed on or before May 15, 2012.
3. Appellees L.L. Murphrey Company, et al.’s, opening brief in response to the brief filed by DJV shall be filed on or before June 5, 2012.
4. DJV’s brief in reply to Appellees opening response brief shall be filed on or before June 15, 2012.

SO ORDERED. This 22 day of March 2012.


JAMES C. DEVER III
Chief United States District Judge

AGREED:

CANTEY HANGER LLP¹

By: /s/ Bruce W. Akerly
Bruce W. Akerly
Texas Bar No. 00953200
bakerly@canteyhanger.com
Arthur A. Stewart
Texas Bar No. 19203500
astewart@canteyhanger.com

1999 Bryan Street, Suite 3300
Dallas, Texas 75201
Telephone: (214) 978-4129
Facsimile: (214) 978-4150

/s/ A. Scott McKellar
A. Scott McKellar
NC State Bar No. 27965
smckellar@bws.com

Battle, Winslow, Scott & Wiley, P.A.
2343 Professional Drive
P. O. Box 7100
Rocky Mount, North Carolina 27804-0100
Telephone: (252) 937-2200
Facsimile: (252) 451-6836
Local Rule 83.1 Counsel

ATTORNEYS FOR APPELLANT D.A.N. JOINT
VENTURE III, L.P.

¹ The firm of Cantey Hanger LLP and its counsel were substituted for prior counsel representing DJV in the Action. (See Adv. Dkt. No. 62). The undersigned counsel and Cantey Hanger LLP will seek leave of this Court to appear in this matter on a pro hac vice basis.

STUBBS & PERDUE, PA

By: /s/ Trawick H. Stubbs, Jr.
Trawick H. Stubbs, Jr.
N.C. State Bar No. 4221

310 Craven St.
P.O. Drawer 1654
New Bern, NC 28563
(919) 870-6258 Telephone

WHITE & ALLEN, P.A.

By: /s/ John P. Marshall
John P. Marshall
N.C. State Bar No. 16732

P.O. Box 3169
Kinston, NC 28502
(252) 527-8000 Telephone

ATTORNEYS FOR APPELLEES
L.L. MURPHREY COMPANY, ET AL.