

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
5:10-CV-65-H

BUYER'S DIRECT INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
BELK, INC. and BELK INTERNATIONAL,	)	
INC.,	)	
	)	
Defendants.	)	

This case comes before the court for ruling on the matters discussed at the status conference held on 3 December 2015 (*see* D.E. 203) pursuant to the court's 22 October 2015 order (D.E. 199). Based on the presentations by counsel at the hearing and the other relevant considerations, it is hereby ORDERED as follows:

1. The parties shall participate in a court-hosted settlement conference before United States Magistrate Judge Robert B. Jones, Jr. The parties shall confer and determine three dates up to and including 22 January 2016 upon which they and the other required attendees under Local Civil Rule 101.2(d)(1), E.D.N.C. can attend the settlement conference. No later than 11 December 2015, counsel for plaintiff shall file a notice setting out the three proposed dates. Judge Jones will thereafter schedule the conference and set such other terms for it as he deems appropriate.

2. Defendants shall file a summary judgment motion on the issue of the res judicata and/or collateral estoppel effect on this case of the rulings in *High Point Design LLC v. Buyer's Direct, Inc.*, 1:11-CV-4530-KBF (S.D.N.Y.) and the related decisions by the United States Court of Appeals for the Federal Circuit within 14 days from the date the court-hosted settlement

conference is convened. Plaintiff's response to defendants' motion shall be filed within 21 days after the motion is filed. Any reply by defendants shall be filed within 14 days after the filing of plaintiff's response.

3. If any claims remain following disposition of defendants' motion, the parties shall, within 14 days after entry of the order disposing of the motion, conduct a Fed. R. Civ. P. 26(f) conference relating to the remaining proceedings in this case and file a proposed plan for such proceedings. The plan shall indicate whether any party seeks a conference with the court prior to entry of a scheduling order. After review of the proposed plan and any conference with counsel, the court will enter a scheduling order.

4. As discussed at the status conference, defendants' motion to compel responses to document requests (D.E. 107), second motion to compel responses to document requests (D.E. 110), and motion for protective order (D.E. 157) are DENIED without prejudice. Such denial is warranted based on, among other considerations relating to efficient case management, the potential mootness of such motions due to the settlement and summary judgment proceedings provided for herein and the potential staleness of the motions given the extended period since their filing.

SO ORDERED, this 4th day of December 2015.

  
James E. Gates  
United States Magistrate Judge