

IN THE UNITED STATES DISTRICT COURT  
 FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
 WESTERN DIVISION

No. 5:10-CV-412-F

NARENDRA MAVILLA and )  
 PADMAVATHI MAVILLA, )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 ABSOLUTE COLLECTION SERVICE, INC., )  
 )  
 Defendant. )

ORDER

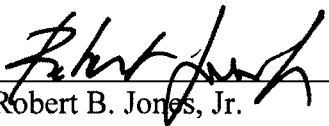
This matter is before the court on Plaintiffs’ motion to compel [DE-43]. The court held a telephonic hearing on the motion on August 29, 2012, at which the parties appeared through their counsel.

For the reasons set forth by the court at the hearing, this Court ORDERS the following: in the event Defendant’s pending motion for summary judgment on Plaintiffs’ claim for punitive damages is denied, Plaintiffs’ motion to compel is allowed in part and denied in part: to wit, upon entry by the court of a protective order, Defendant shall produce to Plaintiffs its tax records corresponding to its current financial condition within fifteen (15) days.<sup>1</sup> Alternatively, if Defendant’s motion for summary judgment on Plaintiffs’ claim for punitive damages is allowed, Plaintiffs’ motion to compel is denied in its entirety.

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<sup>1</sup> See *SMD Software, Inc. v. EMove, Inc.*, No. 5:08-CV-403-FL, 2010 WL 2232261, at \*2 (E.D.N.C. Jun. 2, 2010); *Hester v. Cottrell Contracting Corp.*, No. 7:00-CV-70-BR, 2001 WL 1764200, at \*4 (E.D.N.C. Apr. 27, 2001) *Blount v. Wake Elec. Membership Corp.*, 162 F.R.D. 102, 105 (E.D.N.C. 1993).

So ordered, this the 30th day of August, 2012.

  
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Robert B. Jones, Jr.  
United States Magistrate Judge