

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO: 5:11-CV-00728-D

UNITED STATIONERS SUPPLY CO.,)
)
)
 Plaintiff,)
)
 v.)
)
 BRADLEY P. KING,)
)
)
 Defendant.)
 _____)

ORDER

This cause comes before the Court upon the following motions referred to the undersigned:

Motion to Compel Production, DE-23

Motion to Seal, DE-25

Motion to Seal Document, DE-33

Motion for Protective Order, DE-42

Motion for Protective Order, DE-44

Motion for Protective Order, DE-46

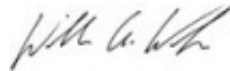
Responses have been filed, and accordingly, these motions are now ripe for adjudication.

With regard to the motions to seal (DE-25, DE-33), they are unopposed. Further, upon review, the undersigned agrees that the documents sought to be sealed contain confidential business information and are appropriate subjects for the motions to seal. The motions to seal (DE-25, DE-33) are therefore GRANTED.

However, since filing the motion to compel and motions for protective orders, the parties have participated in no less than seventeen court-hosted settlement conferences. See Minute

Entries for September 18, 2012; October 2-4; October 9, 11-12, 16-19, 25, 31; November 1-2, 8-9. As it appears that the parties are actively engaged in settlement discussions, the parties are ORDERED to confer and attempt to either resolve or at least narrow the disputed issues raised in the motion to compel and motions for protective orders. The parties are further ORDERED to provide a status report to the Court no later than December 19, 2012 as to the results of their conference. If the discovery disputes remain unresolved at that time, the parties are advised that sanctions will be imposed pursuant to Rule 37 of the Federal Rules of Civil Procedure upon the non-prevailing party. See Biovail Corp. v. Mylan Labs., Inc., 217 F.R.D. 380, 382 (N.D.W.Va. 2003)(“The great operative principle of [Rule 37] is that the loser pays.” (quoting Rickels v. City of South Bend, 33 F.3d 785, 786 (7th Cir. 1994))).

DONE AND ORDERED in Chambers at Raleigh, North Carolina on Wednesday, November 28, 2012.



WILLIAM A. WEBB
UNITED STATES MAGISTRATE JUDGE