

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:14-CV-494-D

NEUSE RIVERKEEPER )  
FOUNDATION, INC., and )  
WATERKEEPER ALLIANCE, INC., )  
 )  
Plaintiff, )  
v. )  
DUKE ENERGY PROGRESS, LLC., )  
 )  
Defendant. )

**ORDER**

On September 30, 2015, the defendant filed a joint notice regarding the order holding defendant's motion to dismiss for failure to state a claim [D.E. 28] and motion to stay [D.E. 35] in abeyance [D.E. 48]. The joint notice requested the court extend the abeyance period for defendant's motions. That request is GRANTED in part and DENIED in part. The motions [D.E. 28, 35] are DENIED without prejudice and can be renewed once the North Carolina court issues an order on the parties' dispositive motions in the state action and through the appeal period for that forthcoming order. The case is STAYED. The parties shall update the court every 90 days on the status of the state court action.

SO ORDERED. This 1 day of October 2015.

  
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JAMES C. DEVER III  
Chief United States District Judge