

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

NO. 7:14-CV-162-FL

BRYAN BESSENT FLOORING, INC.)
and BRYAN BESSENT, Individually,)
)
Plaintiffs,)
)
v.)
)
THE SHERWIN WILLIAMS)
COMPANY,)
)
Defendant.)

ORDER

There are a number of motions pending in various states of maturity, including defendant’s motion to dismiss (DE 10), plaintiffs’ motion to remand (DE 18), and plaintiffs’ motion to stay (DE 24). Also pending is entry of a case management order pursuant to the court’s initial order, to which the parties separately have responded. (DE 28, 29).

Issues are presented in the parties’ reports about communication problems. Each side views the other as difficult. Plaintiffs present more detail than necessary or appropriate concerning settlement activities. It is clear that this case between former business colleagues, just barely over the monetary threshold to be in this court pursuant to defendant’s calculations, is already proving costly for both sides to litigate and there is need for early court oversight.

The court deems defendant’s individual report to stand as its response in opposition to the motion to stay. For reasons different than those presented by plaintiffs, the motion to stay (DE 24)

is ALLOWED. Pursuant to Rule 1 of the Federal Rules of Civil Procedure, the court now carves time out in this case for the parties to focus intently on settling the issues in dispute.

You will confer with each other to discuss what minimum amount of discovery is necessary to give each side the information it needs to enter into a settlement conference swiftly, and you will report that jointly to the court within ten (10) days. Your report also shall inform whether a private mediator is agreed to, or whether there is deemed a need for a court-hosted settlement conference before a magistrate judge. If the former is agreed to, include in your report the identity of the mediator and the date of the mediation. If the latter is agreed to, you shall propose three alternative dates when the parties, including any person necessary to be in the room to effect settlement, are available.

Until a report is made to this court about whether or not the case has settled, the stay of all other case activities as herein ordered remains in effect.

SO ORDERED, this the 23rd day of September, 2014.

A handwritten signature in black ink that reads "Louise W. Flanagan". The signature is written in a cursive, flowing style.

LOUISE W. FLANAGAN
United States District Court Judge