

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

NO. 7:14-CV-211-FL

BARNHILL CONTRACTING)
COMPANY,)
)
Plaintiff,)
)
v.)
)
PAULA OXENDINE; DAVIE LYNN)
SMITH; STORM BUILDERS, INC.;)
ROY BAIN; and BAIN & RODZIK PC,)
)
Defendants.)

ORDER

This matter is before the court upon the joint report and plan, filed pursuant to Federal Rule of Civil Procedure 26(f) filed by plaintiff and defendants Roy C. Bain; Bain and Rodzik, PLLC; Davie Lynn Smith; and Storm Builders, Inc. (DE 24). Defendant Paula Oxendine is in default. Plaintiff filed a motion for default judgment (DE 22) as to Oxendine on February 17, 2015, which motion is opposed by defendants Smith and Storm Builders, Inc. (DE 23). Also pending before the court is a motion to dismiss for failure to state a claim by defendants Roy Bain and Bain and Rodzik PC (DE 7), which motion is opposed by plaintiff (DE 14).

In their joint report and plan, the parties that have appeared in this case request that the court stay the case pending the outcome of the pending motion to dismiss. They state that the disposition of issues raised therein may resolve the case in whole, and it would serve neither the parties' nor this court's interests for the parties to proceed with discovery until disposition of the pending motion. For good cause shown, the court STAYS further scheduling activities until disposition of the pending motion to dismiss.

SO ORDERED, this the 27th day of February, 2015.



LOUISE W. FLANAGAN
United States District Court Judge