

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:09cv101**

<b>NASEEM AHMED, <i>et al.</i>,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>Vs.</b>	)	<b>ORDER</b>
	)	
<b>ANTHONY PORTER, <i>et al.</i>,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

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**THIS MATTER** came before the court for a second status conference on October 16, 2009. At that conference, all counsel of record were either present or had been properly excused. None of the *pro se* plaintiffs were in attendance and had not been excused from such proceeding.<sup>1</sup> Lead counsel for plaintiffs has resolved all concerns raised by this court in its earlier Order.

As a result of the status conference, the court determined that a number of tasks need to be accomplished by both the court and the parties. The court will accomplish some of its tasks by entry of this Order and attempt to accomplish other tasks by entry of a third Memorandum and Recommendation simultaneously herewith. The

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<sup>1</sup> A Memorandum and Recommendation has previously issued reporting to the district court the same plaintiffs' failure to attend as Ordered and recommending their dismissal.

court has set a number of deadlines for respective counsel herein.

**ORDER**

**IT IS, THEREFORE, ORDERED** that

- (1) UCB file its Motion to Confirm Arbitration Awards and Report Concerning Status of the Ekezie Arbitration not later than October 30, 2009;
- (2) counsel for plaintiffs shall file any documents concerning the suggested bankruptcy of the Headley Plaintiffs not later than October 30, 2009;
- (3) counsel for plaintiffs shall file a Motion for Voluntary Dismissal of Defendant John Perry not later than October 30, 2009;
- (4) counsel for plaintiffs shall file their Motion for Entry of Default as to defendants Porter, Sunset Funding, O'Rourke, and P. G. Capital Holdings, LLC, not later than October 30, 2009;
- (5) plaintiffs' Amended Complaint (#139) is **DEEMED** to be a More Definite Statement in accordance with the Order of the district court (#136);
- (6) Secor Group, LLC's Consent Motion for Enlargement of Time to Respond to Second Amended Complaint (#142) is **DENIED** as moot, inasmuch as plaintiff's filing has been converted into a More Definite

Statement;

- (7) Source One Properties, LLC's, Source One Communities', H. Lee Farthing's, and Stephen M. Rayborn's Motion for Extension of Time to Respond to Plaintiffs' First request to Produce to All Defendants (#145) is **ALLOWED**, and such defendants shall have up to an inclusive of November 30, 2009, to so respond;
- (8) Secor Group, LLC's Motion to Enlarge/Suspend Time for Filing Expert Reports, Amend Case Management Plan and for Scheduling Conference (#147) is **ALLOWED**, and the deadlines are reset as provided *infra*;
- (9) Source One Properties, LLC's, Source One Communities', H. Lee Farthing's, and Stephen M. Rayborn's Motion to Stay Deadlines Pending September 21, 2009 Conference (#148) is **ALLOWED**, *nunc pro tunc*;
- (10) plaintiffs' Motion to Clarify Court's Docket (#160) is **ALLOWED**, and the docket is **AMENDED** to reflect that Neil O'Rourke and P. G. Capital Holdings, LLC are both parties defendant herein as they were omitted from the Order of Transfer from the Eastern District of North Carolina through clerical error. The Clerk of Court should note that Mr. O'Rourke has not filed answer or other responsive pleading in this file.

- (11) the following deadlines contained in the Pretrial Order are **RESET** as follows:
- (A) Discovery Completion, March 1, 2010;
  - (B) Mediation, December 15, 2009;
  - (C) Dispositive Motions, April 1, 2010; and
  - (D) Trial, July 1, 2010.
- (12) plaintiffs' deadline for responding to Secor's Motion to Dismiss for Lack of Prosecution (#155) is **ENLARGED** up to and inclusive of October 23, 2009, on the court's own motion so that the parties may have an opportunity to resolve such motion as indicated at the hearing. The deadline for plaintiffs' to respond to Secor's third Motion to Dismiss (#175) remains unchanged and is October 26, 2009; and
- (13) a recommendation as to plaintiff's Motion for Voluntary Dismissal of seven plaintiffs (#187) will be **HELD IN ABEYANCE** until October 30, 2009, for whatever objections, suggestions, or other response UCB may have to such proposed relief.

Signed: October 21, 2009

*Dennis L. Howell*

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Dennis L. Howell  
United States Magistrate Judge

