

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL ACTION NO. 1:10-CV-155-MR-DCK**

**FRANK E. KLOPFER, KATHY M. KLOPFER,)
DUSTIN P. SWARTZ, and KRISTIN H.)
SWARTZ,)**

Plaintiffs,

v.

ORDER

**DEVINSHIRE LAND DEVELOPMENT, LLC,)
QUEENS GAP MOUNTAIN, LLC, QUEENS)
GAP ACQUISITION, LLC, COVE CREEK,)
LLC, KEITH A. VINSON, QUEENS GAP)
HOLDING COMPANY, LLC, DEVIN P.)
McCARTHY, RYAN P. McCARTHY, and)
D.F. McCARTHY XVIII, LLC,)**

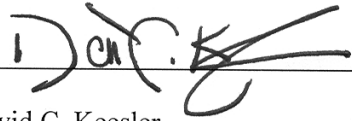
Defendants.

THIS MATTER IS BEFORE THE COURT on “Plaintiffs’ Motion To Allow Discovery” (Document No. 53) filed December 5, 2011. This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion, the record, and applicable authority, the undersigned will deny the motion.

On September 15, 2011, the Court entered a “Memorandum Of Decision And Order” (Document No. 52) granting Defendants’ motions to compel arbitration and stay proceedings (Document Nos. 24 and 29). Plaintiffs’ pending motion requests that they be allowed to conduct discovery prior to arbitration. The undersigned does not find good cause to lift the stay and to allow discovery in this action; rather, any necessary discovery may be conducted as part of the arbitration process.

IT IS, THEREFORE, ORDERED that “Plaintiffs’ Motion To Allow Discovery”
(Document No. 53) is **DENIED**.

Signed: December 6, 2011



David C. Keesler
United States Magistrate Judge

