

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:11cv23**

<p><b>GERALD ABATEMARCO, et al.,</b></p> <p style="text-align: center;"><b>Plaintiffs,</b></p> <p style="text-align: center;"><b>vs.</b></p> <p><b>LEGASUS OF NORTH CAROLINA, LLC, et al.,</b></p> <p style="text-align: center;"><b>Defendants.</b></p> <hr style="border: 0.5px solid black; width: 40%; margin-left: 0;"/>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p><b><u>ORDER</u></b></p>
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**THIS MATTER** is before the Court *sua sponte*.

After carefully reviewing the record, the Court has determined that the following matters must be addressed by the parties<sup>1</sup> before issues may join in this action:

(1) Cross-Claims Against Legasus: On May 11, 2011, the Plaintiffs filed a motion for an entry of default against Legasus of North Carolina, LLC ("Legasus"). [Doc. 33]. The Clerk granted the' motion and made an entry of default against Legasus with respect to the Plaintiffs' claims on May 12, 2011. [Doc. 34]. Although Defendants Synovus Bank ("Synovus"), Michael Wolf

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<sup>1</sup>This Order applies to all parties in this action, with the exception of Defendant Morlok as to whom this case is currently stayed [see Doc. 76].

("Wolf"), Theodore C. Morlok ("Morlok"), and Marilyn McCoy Woods ("Woods") have asserted Cross-Claims against Legasus [Docs. 27, 36, 66, 67], entry of default has not been sought with respect to any of these Cross-Claims.

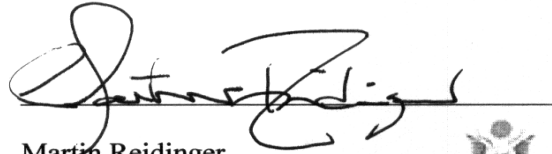
(2) Claims and Cross-Claims Against Klorfein: Stephen R. Klorfein, the personal representative of the Estate of Robert A. Corliss ("Klorfein"), has been named as a Defendant in this action. [Doc. 1]. Additionally, Defendants Synovus, Wolf, Morlok, and Woods have asserted Cross-Claims against him. [Docs. 27, 36, 66, 67]. Although Klorfein apparently has been served with process, he has never filed an Answer or otherwise appeared in this action.

(3) Cross-Claims Against Pitts: Defendant James R. Pitts ("Pitts") filed a *pro se* Answer to the Plaintiffs' Complaint on June 1, 2011. [Doc. 48]. Pitts, however, has never responded to the Cross-Claims filed by Synovus, Wolf, Morlok, and Woods. [See Docs. 27, 36, 66, 67].

Accordingly, **IT IS, THEREFORE, ORDERED** that the parties shall file such motions or take other further action as may be necessary to address the above-referenced matters no later than **March 5, 2012**.

**IT IS SO ORDERED.**

Signed: February 6, 2012

A handwritten signature in black ink, appearing to read "Martin Reidinger", written over a horizontal line.

Martin Reidinger  
United States District Judge

