

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:11-cv-00244-MR-DLH**

USA TROUSER, S.A. de C.V.,

Plaintiff,

vs.

SCOTT ANDREWS,

Defendant.

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ORDER

THIS MATTER is before the Court on the Defendant's Motion for Contempt [Doc. 170].

On October 27, 2015, the Court held a hearing on the Defendant's Motion to Quash Subpeona [Doc. 159]. At that time, the Court granted the Defendant's Motion and as a sanction ordered the Plaintiff's counsel to reimburse the Defendant's counsel attorney's fees in the amount of \$2,700.00 before the first witness was called in this case. This matter was scheduled for trial to commence during the November 2, 2015 trial term. On the Friday prior to the commencement of the trial term, through various phone communications and emails, the parties represented to the Court that the case had been settled. Once the parties filed a Memorandum of

Understanding, setting forth the basic terms of their purported settlement agreement [Doc. 168], this matter was removed from the trial calendar. To date, Plaintiff's counsel has not paid the \$2,700.00 sanction.

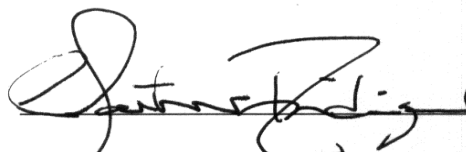
Because the Court's original Order required payment of the sanction prior to the first witness being called at trial, and because no trial was held on account of the parties' purported settlement of the matter, the Court will extend the deadline for the payment of the sanction.

IT IS, THEREFORE, ORDERED that the Court's oral order of October 27, 2015 is hereby **MODIFIED**, and the deadline for the payment of the \$2,700.00 sanction is hereby **EXTENDED to 5:00 p.m. on January 6, 2016.**

IT IS FURTHER ORDERED that the Defendant's Motion for Contempt [Doc. 170] is **DENIED WITHOUT PREJUDICE** as premature.

IT IS SO ORDERED.

Signed: December 31, 2015


Martin Reidinger
United States District Judge

