

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:11 CV 248**

AMERICAN'S LIVING CENTERS-)
WNC, LLC,)
)
Plaintiff)
)
V)
)
HELEN CHRISTY YARBOROUGH,)
et al.,)
)
Defendants.)

ORDER

Plaintiff filed this action in the Superior Court of Buncombe County on March 19, 2010. Subsequently, on September 23, 2011, the Federal Deposit Insurance Corporation removed the matter to this court. Presently there is pending before the court a Motion to Withdraw (#7) filed by Christopher Reinhardt, attorney for Chrystal Ramseur Jarret. This filing has caused the undersigned to more particularly review the documents presented by the removal to this court by the Federal Deposit Insurance Corporation. The undersigned notes the following from the documents presented:

- 1) There is nothing contained in the filing that shows the issuance of any summons or service of summons upon Helen Christy Yarborough, Chrystal Ramseur Jarret, Ronya Fakhoury Banks, or the original defendant, The Bank of Asheville;
- 2) The caption in the Notice of Removal reflects that Helen Christy Yarborough, Chrystal Ramseur Jarret, Ronya Fakhoury Banks and Asheville Check Cashing Company has been named as cross-defendants and third-party defendants.

There is nothing to show the issuance of a summons on Asheville Check Cashing Company or service of summons upon that party;

3) The documents #1-15 and #1-16 filed by Mr. Reinhardt on behalf of Chrystal Ramseur Jarret, show a change of name of the defendant Chrystal Ramseur Jarret to the name of Chrystal Jarret Ramseur and no explanation is provided in any of the pleadings;

4) In pleading document #1-16, Mr. Reinhardt names as parties that he represents the following: Chrystal Jarret Ramseur, Thomas Rest Care Facilities, Inc., and C & P Family Care Homes, LLC, which he refers to collectively as the “Ramseur Parties.” There is no showing in the file that Thomas Rest Care Facilities, Inc. or C & P Family Care Homes, LLC was ever allowed to intervene or to be named as a party in this action as either a plaintiff or defendant or in any other manner by any court;

5) The Motion to Withdraw (#7) filed by Mr. Reinhardt does not reflect what steps he has taken to protect the interest of his client, be it under the name of Chrystal Ramseur Jarret, Chrystal Jarret Ramseur, or the interests of Thomas Rest Care Facilities, Inc. or C & P Family Care Homes, LLC. Nor does he reflect that he has the consent of any of his clients to withdraw.

Because of the length of time this matter was pending in the Superior Court of Buncombe County, the number of filings prior to the removal of the case, and the disarray of the file and pleadings in this matter, the court finds that a status conference is warranted at which time all attorneys and all parties will be required to appear. Each attorney in this matter is instructed to advise his or her client that the appearance

of the party is mandatory. Counsel for American's Living Centers-WNC, LLC and the Federal Deposit Insurance Corporation will be ordered to jointly obtain a complete, certified copy of all documents contained in file 10-CVS-1449 in the Office of the Clerk of Superior Court of Buncombe County, North Carolina and said attorneys will be directed to bring the complete certified copy of the file to the status conference. All counsel should be prepared to disclose to the court all discovery that has been conducted in this case so that the court can assure that the Pretrial Order and Case Management Plan entered by this court is being accomplished and that there has been full compliance with the order.

ORDER

IT IS, THEREFORE, ORDERED as follows:

1. That the court will conduct a status conference at **10:30 a.m. on January 27, 2012** in courtroom #2 of the United States Courthouse in Asheville, North Carolina concerning this matter. All attorneys and their respective clients are required to appear. Each attorney in this matter is ordered to instruct their client that the appearance of the party at this conference is mandatory;
2. Counsel for American's Living Centers-WNC, LLC and the Federal Deposit Insurance Corporation are hereby **ORDERED** to jointly obtain a complete and certified copy of all documents contained in file 10-CVS-1449 in the Office of the Clerk of Superior Court of Buncombe County, North Carolina and said attorneys are

ORDERED and directed to bring the complete and certify copy of the file to the status conference;

3. Counsel for the parties in this matter are **ORDERED** to be prepared to answer the questions of the court regarding the status of this file as is set forth in this Order;

4. Counsel in this matter shall be prepared to disclose to the court all attempts that have been made to complete discovery and to comply with the Pretrial Order previously entered in this matter; and

5. Counsel shall be prepared to present arguments concerning the Motion to Withdraw (#7) filed by Christopher Reinhardt at the status conference.

Signed: January 13, 2012

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

