

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL CASE NO. 1:12cv311

BILLY DAVID HARRIS and)
ROBIN L. HARRIS, spouse,)
Plaintiffs,)
vs.) O R D E R
AJAX BOILER, INC., *et. al.*,)
Defendants.)

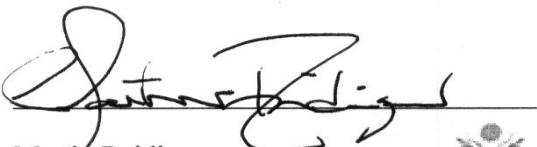
THIS MATTER is before the Court on the Defendant Spirax Sarco Company, Inc.'s Motion for Summary Judgment [Doc. 72].

In the motion, which the Court notes has been filed prior to the entry of a Pre-Trial Order and Case Management Plan, counsel states that no evidence exists that the Plaintiff Billy Harris ever worked in a facility owned or operated by this Defendant. Although consultation with opposing counsel in the case of a motion for summary judgment is not required by the Rules of Practice and Procedure of the United States District Court for the Western District of North Carolina, L.Cv.R. 7.1(B), in this case such consultation may have rendered this motion unnecessary.

It also appears that the motion is premature. In any event, the Court will require consultation with Plaintiffs' counsel on this issue since no discovery has occurred in this Court.

IT IS, THEREFORE, ORDERED that the Defendant Spirax Sarco Company, Inc.'s Motion for Summary Judgment [Doc. 72] is hereby **DENIED** without prejudice.

Signed: March 30, 2013



Martin Reidinger
United States District Judge

