

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:12cv397**

**RINEHART RACING, INC.,** )  
 )  
 **Plaintiff,** )  
 )  
 **v.** )  
 )  
 **S&S CYCLE, INC.** )  
 )  
 **Defendant.** )  
 \_\_\_\_\_ )

**ORDER**

Pending before the Court is the Motion to Stay Discovery [# 19] and Motion to Expedite [# 21]. Defendant moves to stay discovery in this case for six months and to reset deadlines in the Pretrial Order accordingly. In addition, Defendant moves for expedited briefing on the Motion to Stay. The Court **DENIES** the Motion to Stay [# 19] and **DENIES as moot** the Motion to Expedite [# 21].

**I. Analysis**

Plaintiff brought this action on December 18, 2012, against Defendant requesting a declaratory judgment. The case was assigned to United States District Judge Martin Reidinger and was referred to this Court for pre-trial matters. Subsequently, Defendant answered the Complaint and asserted counterclaims for trademark infringement, false advertising, unfair competition, and unfair and

deceptive trade practices. After the Plaintiff answered the counterclaims and, thus, all the issues in this case had joined, the Court entered a Pretrial Order and Case Management Plan. Accordingly, discovery in this case began on June 6, 2013. See LCvR 26.1.

Shortly after the Court issued its Pretrial Order in this case, third party Moto Group, LLC filed an action seeking a declaratory judgment against Defendant S&S Cycle, Inc. Defendant S&S Cycle, Inc. has not yet answered the complaint in this separate action. Defendant contends that Moto Group, LLC is a closely related entity to Plaintiff Rinehart Racing. This related action is not referred to this Court for pre-trial matters.

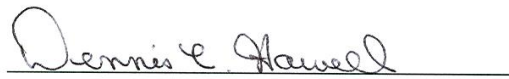
Defendant now moves to stay discovery in this case and to extend the pre-trial deadlines in this action for six months. Upon a review of the record in this case, the Court **DENIES** the motion [# 19]. The Court will not stay these proceedings for six months. The issues in this case have joined, and the parties shall abide by the Court's Pretrial Order. To the extent that either party wishes to consolidate these cases, then that party should file a motion to consolidate. This Court will not stay this case for six months to allow another case to "catch up" to these proceedings. Either the cases will proceed separately or a party can seek to consolidate the cases. Upon the filing of an appropriate motion and brief that

complies with the requirements of the Court's Local Rules, either this Court or the District Court will consider whether consolidation is appropriate.

## **II. Conclusion**

The Court **DENIES** the Motion to Stay [# 19] and **DENIES as moot** the Motion to Expedite [# 21].

Signed: August 5, 2013



Dennis L. Howell  
United States Magistrate Judge

