IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:13 CV 165

JOSEPH M. WILKINS and MARY ANNE WILKINS,	)))	
Plaintiffs	))	**ORDER**
v	))	
CBS CORPORATION, et al.,	))	
Defendants.	)	

THIS MATTER has come before the undersigned pursuant to a Motion to Substitute Party (#109) filed by the Plaintiffs. In the motion, the Plaintiffs request that Mary Anne Wilkins, individually, and as representative of the estate of Joseph M. Wilkins, be substituted as Plaintiff in the action.

LCvR 7.1 provides as follows: MOTIONS IN CIVIL ACTIONS.

(B)   Requirement of Consultation. Any motions other than for dismissal, summary judgment, or default judgment shall show that counsel have conferred or attempted to confer and have attempted in good faith to resolve areas of disagreement and set forth which issues remain unresolved. The requirement of consultation also applied to motions for extension of time and to motions for continuance of a trial or other proceeding.

(C) Requirement of Briefs. Briefs shall be filed contemporaneously with the motion, except no brief is required in support of timely motions for extension of time, continuances, admission *pro hac vice*, or early discovery. Exhibits in support of a
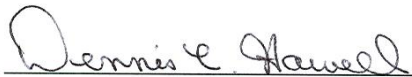
brief shall be attached as appendices as specified in the <u>Administrative Procedures</u>. Factual contentions shall be supported as specifically as possible by citation to exhibit number and page.

In the Plaintiffs' Motion to Substitute Party, the Plaintiffs have not shown either consultation as required by the Rule, nor is there a brief attached to the motion. For failure of the Plaintiffs to comply with LCvR 7.1(B) and (C), the Court will deny Plaintiffs' motion without prejudice.

ORDER

IT IS, THEREFORE, **ORDERED** that the Plaintiffs' Motion to Substitute Party (#109) is **DENIED** without prejudice.

Signed: June 26, 2014

Dennis L. Howell
United States Magistrate Judge