

**CARROLL JAMES SHORT, et al.,**

**Plaintiffs,**

**v.**

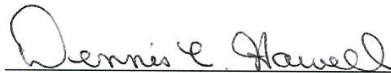
**CAPITAL BANK and CAPITAL BANK,**  
**N.A.,**

**Defendants.**

Pending before the Court is the Motion to Designate Expert after Deadline [# 16]. Defendant Capital Bank, N.A. moves for leave to designate an expert after the expiration of the deadline for doing so in the Court's Pretrial Order. Defendant originally had until December 1, 2013, to designate an expert. Although Defendant originally did not need to obtain an expert, Defendant contends that in light of a December 3, 2013, opinion from the North Carolina Court of Appeals, expert testimony may be necessary. Accordingly, Defendant served its expert disclosure on Plaintiffs on December 18, 2013. Discovery in this case does not close until April 1, 2014.

Upon a review of the motion, the Court **GRANTS** the motion [# 16]. The Court **EXTENDS** the deadline *nunc pro tunc* for Defendant to designate an expert until December 25, 2013.

Signed: December 30, 2013



Dennis L. Howell  
United States Magistrate Judge

