

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:14 CV 120**

JASON D. BODNAR, DMD,)
)
 Plaintiff)
)
 v)
)
 KELLY DONALD JACKSON, DDS,)
)
 Defendant and Counterclaimant.)

ORDER

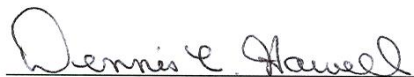
THIS MATTER has come before the undersigned pursuant to a Certification and Report of F.R.C.P. 26(f) Conference and Discovery Plan (#16) filed by the present parties in this matter. In examining the file, it appears that there is a pending Motion to Join Party (#14) filed by the Defendant in which the Defendant requests that Joseph C. Kerner be joined as a party plaintiff in this matter. The time for the Plaintiff to respond to this motion has not expired. The entry of a Pretrial Order and Case Management Plan prior to ruling on the Motion to Join Party would be ill advised and not in the best interest of justice or the administration and management of this matter. As a result, the undersigned declines to act upon the Certification and Report of F.R.C.P. 26(f) Conference and Discovery Plan (#16) and will deny the relief sought in the Certification. After the Court has ruled upon the Motion to Join Party (#14), then the

the parties, whoever they may be at that time, are directed to file an amended certification of initial attorneys conference within the times limits established by the local rules.

ORDER

IT IS, THEREFORE, ORDERED that the Certification and Report of F.R.C.P. 26(f) Conference and Discovery Plan (#16) and the relief sought therein, is hereby **DENIED** without prejudice. After the Court has ruled upon the pending Motion to Join Party (#14) and issues have joined as described in the Local Rules of Civil Procedure, then the parties, whoever they may be, are directed to file within fourteen (14) days after joinder, an amended certification of initial attorneys conference which shall include a proposed discovery plan and as provided by the local rules.

Signed: August 7, 2014



Dennis L. Howell
United States Magistrate Judge

