

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:14cv289**

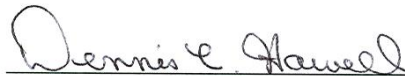
**ROBERT S. ROLAND, and WAN** )  
**HANG GLORIA CHAN,** )  
) )  
**Plaintiffs,** )  
) )  
**v.** )  
) )  
**UNITED STATES CITIZENSHIP** )  
**AND IMMIGRATION SERVICES,** )  
**et al.,** )  
) )  
**Defendant.** )  
\_\_\_\_\_ )

**ORDER**

Pending before the Court is the Joint Motion to Stay Discovery Requirements [# 11]. Previously, the District Court denied without prejudice the Defendants’ Motion to Dismiss and directed the parties that they may reassert “the substance of such motion at the close of discovery in a Motion for Summary Judgment.” (Order, Mar. 27, 2015.) Subsequently, the parties completed the Initial Attorney’s Conference but did not submit the Certificate of Initial Attorney’s Conference as required by the Court’s Local Rules. LCvR 16.1(B). Instead, the parties filed a Joint Motion to Stay Discovery in which they seek a suspension of discovery and the Requirements of Rule 26(a) of the Federal Rules of Civil Procedure.

As the Court's Local Rules explain: "If the parties choose to stipulate out of, or object to, the mandatory initial disclosure procedures required by Fed R. Civ. P. 26(a)(1), they must so indicate in the discovery plan. LCvR 16.1(B). Moreover, the parties may jointly request a discovery track of zero months in their Certificate of Initial Attorney's Conference. This Court can then address these issues in the Pretrial Order. The Court, however, cannot issue the Pretrial Order until the parties submit their Certificate of Initial Attorney's Conference and discovery plan (even if that plan requests no time for discovery). Accordingly, the Court **DENIES** without prejudice the motion [# 11]. The parties shall have seven (7) days after the entry of this Order to submit a Certificate of Initial Attorney's Conference. Upon the submission of the Certificate of Initial Attorney's Conference the Court will consult with the District Court regarding the parties' proposed discovery plan and enter a Pretrial Order as directed by the District Court.

Signed: May 5, 2015



Dennis L. Howell  
United States Magistrate Judge

