

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:15-cv-00248-MR-DSC**

TD BANK, N.A.,)
)
 Plaintiff,)
)
 vs.)
)
 CARLAND TRACTOR AND EQUIP.,)
 INC., ANTHONY E. CARLAND, MAX)
 LOWE CARLAND JR., and ELLEN C.)
 CARLAND,)
)
 Defendants.)
 _____)

ORDER

THIS MATTER is before the Court *sua sponte*.

The Plaintiff initiated this action on November 9, 2015 against the Defendants Carland Tractor and Equip., Inc., Anthony E. Carland, Max Lowe Carland Jr., and Ellen C. Carland. [Doc. 1]. Defendants Max Lowe Carland Jr. and Ellen C. Carland filed an Answer and Counterclaim on January 6, 2016. [Doc. 13]. On January 26, 2016, the Clerk made entries of default against the Defendants Carland Tractor and Equip., Inc. and Anthony E. Carland. [Docs. 20, 21]. The Plaintiff moved for the entry of a default judgment against the Carland Tractor and Equip., Inc. and Anthony E. Carland, but that motion was denied without prejudice on May 13, 2016,

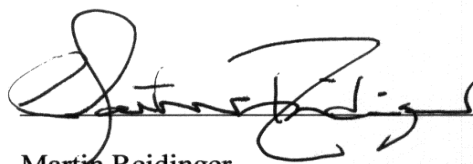
because the matter had not yet been fully adjudicated with respect to the other Defendants who had appeared in the action. [Doc. 32].

On March 10, 2017, the Court granted summary judgment and entered judgment in favor of the Plaintiff against the Defendants Max Lowe Carland, Jr. and Ellen C. Carland. [Doc. 57]. Although this matter has now been fully adjudicated with respect to the Defendants who appeared in this action, the Plaintiff has taken no action with respect to the defaulted Defendants.

IT IS, THEREFORE, ORDERED that that within fourteen (14) days of the entry of this Order, the Plaintiff shall file an appropriate motion or otherwise take further action with respect to the Defendants Carland Tractor and Equip. Inc. and Anthony E. Carland. **The Plaintiff is advised that failure to take such further action will result in the dismissal of its claims against these Defendants.**

IT IS SO ORDERED.

Signed: June 22, 2017


Martin Reidinger
United States District Judge

