

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:16cv157**

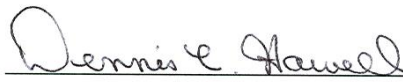
**HOWARD MILTON MOORE, JR.** )  
**AND LENA MOORE,** )  
 )  
 **Plaintiffs,** )  
 )  
**v.** )  
 )  
**ALCATEL-LUCENT USA, INC.,** )  
**et al.,** )  
 )  
 **Defendants.** )  
\_\_\_\_\_ )

**ORDER**

Pending before the Court is the Motion for Leave to Take the Continued Deposition of Plaintiff [# 151]. Plaintiffs move for leave pursuant to Rule 30 of the Federal Rules of Civil Procedure to allow the continued deposition of Plaintiff Howard Moore. On May 17, 2017, this Court entered an Order directing the Defendants to respond to the Plaintiffs’ motion by May 19, 2017. (Order, May 17, 2017, ECF No. 153.) Defendants, however, failed to respond to the motion or to the Court’s Order. Accordingly, the Court deems the motion as unopposed due to Defendants’ failure to comply with an Order of this Court. The Court **GRANTS** the motion [# 151] and **DENIES as moot** the Motion for Protective Order [# 142]. Plaintiffs may continue the deposition of Plaintiff Howard Moore at a mutual

agreeable time and place. If the parties cannot mutually agree each side may select two dates to submit to the Court and the Court will select from the four dates and order that the deposition occur on that date. The deposition, however, may not exceed two hours of direct testimony and four hours of total testimony.

Signed: June 1, 2017



Dennis L. Howell  
United States Magistrate Judge

