

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:16 CV 409**

**TALMAGE LEE JONES, JR. and JUDY )  
E. JONES, )**

**Plaintiffs, )**

**v. )**

**ORDER**

**JASON ANTHONY HIGGINS, G & R )  
TRUCKING COMPANY, INC., and )  
CMH MANUFACTURING, INC., )**

**Defendants. )**

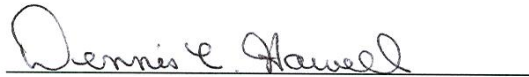
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This matter is before the Court on the Motion for Relief from Judgment Taken from February 15, 2018 Offer of Judgment (# 98) filed by Jason Anthony Higgins and G & R Trucking Company, Inc. (hereafter “Defendants”). This motion must be denied for at least two reasons. First, when Defendants filed this motion on March 14, 2018, they were seeking to set aside a judgment that had not been entered. Second, Defendants’ motion fails to comply with this Court’s Local Rules. In particular, Defendants’ motion fails to comply with LCvR 7.1, which provides: “Civil motions must show that counsel have conferred and attempted in good faith to resolve areas of disagreement, or describe the timely attempts of the movant to confer with opposing counsel. **A motion that fails to show that the parties have properly conferred or attempted to confer may be summarily denied.**” LCvR

7.1(b) (emphasis added). At the March 16, 2018 hearing, Defendants' counsel represented that he believed LCvR 7.1(b) did not apply to the motion because it is a dispositive motion.<sup>1</sup> The Court is not persuaded that a motion to set aside judgment is in any way dispositive in nature.

In light of the foregoing, Defendants' Motion for Relief from Judgment Taken from February 15, 2018 Offer of Judgment (# 98) is DENIED.

Signed: March 19, 2018



Dennis L. Howell  
United States Magistrate Judge



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<sup>1</sup> LCvR 7.1(b) provides that “[c]onsultation is not required for: (1) dispositive motions; (2) motions where the moving party is represented and the non-moving party is unrepresented; or (3) motions for an extension of time to file a responsive pleading to a complaint, counterclaim, crossclaim, or any other initial petition for relief.”