

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

**TALMAGE LEE JONES, JR.,** )  
 )  
 **Plaintiff,** )  
 )  
 **v** )  
 )  
 **JASON ANTHONY HIGGINS AND G & R** )  
 **TRUCKING CO. INC., AND CMH** )  
 **MANUFACTURING, INC.,** )  
 )  
 **Defendants** )  
 )  
 **v** )  
 **CMH MANUFACTURING, INC.,** )  
 )  
 **Third-Party Plaintiff,** )  
 )  
 **v** )  
 )  
 **HOYLE’S TIRE AND AXLE, LLC d/b/a** )  
 **HOYLE TIRE & AXLE,** )  
 )  
 **Third-Party Defendant.** )

---

**ORDER**

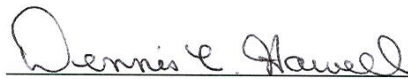
**THIS MATTER** is before the undersigned pursuant to Notice of Substitution of Counsel and Unopposed Motion for an Extension of Time (#33) filed by Isaac N. Northup, Jr. filed on behalf of Defendant G & R Trucking Company, Inc. In the motion, Defendant requests not only an extension of time to file an answer, which has already been allowed by this Court (#34), but Defendant further advises that

Elizabeth C. Franks, counsel for Defendant, has a conflict of interest and will be filing a motion to withdraw. The undersigned has examined the file in this matter and such a motion has not been made. As a result, the Notice of Substitution of Counsel (#33) and request that Mr. Northup be substituted as counsel for Defendant, G & R Trucking Company, Inc. is denied without prejudice. Should Ms. Franks file a motion to withdraw, this Court will act upon it and at that time, Mr. Northup can make an appearance in this matter, should he chose to do so.

**ORDER**

**IT IS, THEREFORE, ORDERED** that the Notice of Substitution of Counsel (#33) of Isaac N. Northup, Jr. is **DENIED** and it is Ordered that Elizabeth C. Franks shall, on or before **July 5, 2017**, file with the Court either a statement of her intention to continue to represent G & R. Trucking Company, Inc. or that she file a motion to withdraw.

Signed: June 16, 2017

  
\_\_\_\_\_

Dennis L. Howell  
United States Magistrate Judge

