

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:23-cv-00158-MOC-WCM

JASON H. KLOEPFER;)
ALISON M. MAHLER,)

Plaintiffs,)

v.)

EASTERN BAND OF)
CHEROKEE INDIANS;)
OHIO CASUALTY)
INSURANCE COMPANY;)
DUSTIN SMITH)

Sheriff of Cherokee County,)
in his individual and official capacity;)

JUSTIN JACOBS)
Chief Deputy CCSD,)
in his individual and official capacity;)

DAVID WILLIAMS)
Captain CCSD,)
in his individual and official capacity;)

MILTON TEASDALE)
Lieutenant CCSD,)
in his individual and official capacity;)

MITCHELL MORGAN)
Lieutenant CCSD,)
in his individual and official capacity;)

DREW PAYNE)
Lieutenant CCSD,)
in his individual and official capacity;)

DENNIS DORE)
Sergeant CCSD,)
in his individual and official capacity;)

CODY WILLIAMS)
Sergeant CCSD,)
in his individual and official capacity;)

NOLAN QUEEN)
Detective CCSD,)

ORDER

in his individual and official capacity;)
JESSICA STILES)
Deputy CCSD,)
in her individual and official capacity;)
J.T. GRAY)
Deputy CCSD,)
in his individual and official capacity;)
JASON HALL)
Deputy CCSD,)
in his individual and official capacity;)
DON LATULIPE)
Deputy CCSD,)
in his individual and official capacity;)
ADAM ERICKSON)
Deputy CCSD,)
in his individual and official capacity;)
PAUL FRY)
Deputy CCSD,)
in his individual and official capacity;)
CARLA NEADEAU)
Chief EBCIPD,)
in her individual and official capacity;)
JOSHUA TAYLOR)
Assistant Chief EBCIPD,)
in his individual and official capacity;)
ROGER NEADEAU, JR.)
Lieutenant Detective EBCIPD,)
in his individual and official capacity;)
NEIL FERGUSON)
Patrol Lieutenant EBCIPD,)
in his individual and official capacity;)
SCOTT BUTTERY)
SWAT Commander EBCIPD,)
in his individual and official capacity;)
JESSE RAMIREZ)
Detective Sergeant EBCIPD,)
in his individual and official capacity;)
JEFF SMITH)
Special Operations Sergeant EBCIPD,)
in his individual and official capacity;)
DUSTIN WOLFE)

Detective EBCIPD,)
in his individual and official capacity;)
CODY MCKINNEY)
Detective EBCIPD,)
in his individual and official capacity;)
NATHAN MESSER)
Special Operations Officer EBCIPD,)
in his individual and official capacity;)
ANDREW SAMPSON)
Special Operations Officer EBCIPD,)
in his individual and official capacity;)
CHRIS HARRIS)
Patrol Officer EBCIPD,)
in his individual and official capacity;)

Defendants.)

)

This matter is before the Court on Defendants Messer, Ferguson, and Harris’s Request for Discovery Conference (the “Motion for Conference,” Doc. 67).

In light of the subject matter of the current disputes as described by the Motion for Conference, including the potential involvement of non-parties and these defendants’ request for the imposition of sanctions, the Court finds that the disputes are best addressed through written motions practice followed by a hearing, if necessary.

Accordingly, the Motion for Conference (Doc. 67) is **DENIED**.

The parties are encouraged to continue to attempt to resolve the issues raised in the Motion for Conference without the need for Court intervention.

At the same time, the Court will establish the following briefing schedule to ensure the prompt resolution of the subject discovery disputes, should the parties be unable to resolve those disputes among themselves:

1. Any party wishing to be heard regarding the discovery disputes referenced in the Motion for Conference may file a motion, with a supporting memorandum limited to ten (10) pages (exclusive of exhibits), on or before **February 5, 2025**.
2. Any response will also be limited to ten (10) pages (exclusive of exhibits) and shall be filed on or before **February 12, 2025**.
3. Any reply is limited to three (3) pages (exclusive of exhibits) and shall be filed on or before **February 17, 2025**.
4. Any motion seeking relief against a non-party must be served on that non-party along with a copy of this order.

It is so ordered.

Signed: January 27, 2025



W. Carleton Metcalf
United States Magistrate Judge

