

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
2:08cv29

PAUL FAGAN; and EVELYN FAGAN,)

Plaintiffs,)

Vs.)

ORDER

UNITRIN AUTO AND HOME)
INSURANCE COMPANY d/b/a)
KEMPER AUTO AND HOME, an)
insurance company organized under)
the laws of the State of Florida and)
doing business in the State of North)
Carolina,)

Defendant.)

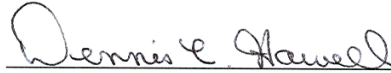
THIS MATTER is before the court on defendant's Motion to Dismiss. In response, plaintiff has filed a Stipulation of Dismissal as to Count One of the Complaint, which the court construes to be plaintiff's assent to the Motion to Dismiss. It appearing that Count One is time barred, the court enters the following Order with permission of the district court.

ORDER

IT IS, THEREFORE, ORDERED that defendant's Motion to Dismiss is GRANTED, and Count One is DISMISSED with prejudice as time barred, and the STAY previously entered as to the IAC and CIAC is LIFTED.

The parties are respectfully reminded that they must now conduct a IAC within 14 days and file such CIAC with the court within 5 days thereof.

Signed: November 12, 2008



Dennis L. Howell
United States Magistrate Judge

