

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
2:11 cv 14**

UNITED STATES OF AMERICA,)
)
Plaintiff)
)
v)
)
7 Blue Spruce Drive, Whittier, Jackson)
County, North Carolina, as described in a)
Deed at Book 1214, page 193, Jackson)
County Registry, being real property,)
together with the residence, and all)
appurtenances, improvements, and)
attachments thereon,)
)
Defendants.)

ORDER

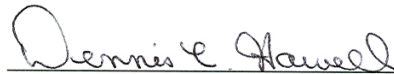
THIS MATTER has come before the Court based upon oral motion made by Tom Ascik, Assistant United States Attorney, as attorney for the government. In a hearing that took place on September 13, 2011, Mr. Ascik advised the Court that the government was seeking the disqualification of the claimant’s attorney, Sean Devereux based upon a conflict of interest between Mr. Devereux and a previous client of Mr. Devereux who may be called as a witness in regard to this matter and who is the spouse of the claimant. After a discussion with counsel, the undersigned determined to allow the government fourteen (14) days in which to file a written motion seeking the disqualification of Mr. Devereux with the government supporting that motion with a brief as set forth by the Local Rules of Civil Procedure. Mr. Devereux will then be given fourteen (14) days thereafter to file a responsive brief as provided by the Local Rules. The government will be allowed to file a reply brief as

set forth by those rules.

ORDER

IT IS, THEREFORE, ORDERED that should the government seek the disqualification of Mr. Devereux as attorney for the claimant in this matter, that the government shall, on or before **September 27, 2011** file with the Court a motion seeking such disqualification along with a supporting brief as provided by the Local Rules of Civil Procedure. Mr. Devereux will then be given fourteen (14) days within which to respond to the government's motion as provided by those same Local Rules and the government will then be given seven (7) days to reply to the claimant's responsive brief.

Signed: September 15, 2011

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Dennis L. Howell
United States Magistrate Judge

