

**IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION  
2:11 CV 31**

**CHRISTOPHER D. ELLER,** )  
 )  
 **Plaintiff** )  
 )  
 **v** )  
 )  
 **GARY KAUFMAN, In his official and** )  
 **individual capacities, KEITH LOVIN, In** )  
 **his official and individual capacities, KEITH** )  
 **WATKINS, In his official and individual** )  
 **capacities, JOE WOOD, In his official and** )  
 **individual capacities, JONATHAN CHURCH,**)  
 **In his official and individual capacities,** )  
 **NORTH CAROLINA DEPARTMENT OF** )  
 **CORRECTIONS, JOHN DOE#1, In his** )  
 **official and individual capacities, JOHN** )  
 **DOE #2, In his official and individual** )  
 **capacities, JOHN DOE #3, In his official** )  
 **and individual capacities, AND OTHER** )  
 **UNKNOWN DEFENDANTS,** )  
 )  
 **Defendants** )

**ORDER**

**THIS MATTER** has come before the undersigned pursuant to a review of the file in this matter. A Report (#75) was filed by C. Frank Goldsmith, the mediator in this case on May 8, 2013, reporting that this matter had been completely settled. Thereafter, various dismissals were filed (#76) (#77) and (#79), but it appears there has not been dismissed claims delineated as Count four

against Defendants John Doe #1 and #2; Count six as to John Doe #3, and Count seven as to the Cherokee County Sheriff's Department which was not listed by the Plaintiff as a defendant in the caption of the case and which this Court questions could be listed as a defendant in Count seven. In any event, these issues need to be resolved so this matter can be removed from the court calendar or set for trial at the February 10, 2014 session of court. To make a determination as to whether or not there are any pending claims in this matter, the Court will schedule a status conference. At that time, counsel for Plaintiff and counsel for all Defendants will be directed to appear to discuss with the Court what claims are still pending. Should a Stipulation of Dismissal of all claims against all Defendants be filed before that time, then counsel for Plaintiff and counsel for all Defendants will not have to appear and this matter will be removed from the active docket.

### **ORDER**

**IT IS, THEREFORE, ORDERED** that a status conference in regard to the above entitled matter is hereby scheduled for **December 16, 2013 at 2:00 o'clock p.m.** in courtroom #2 of the United States Courthouse in Asheville, North Carolina. Counsel for Plaintiff and counsel for all Defendants are ordered to appear at this hearing and discuss with the Court whether or not there are any pending claims remaining to be resolved against any Defendants.

Signed: December 2, 2013

*Dennis L. Howell*

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Dennis L. Howell  
United States Magistrate Judge

