

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
2:12 CV 34**

GREAT OAK NC LENDER, LLC,

Plaintiff

v

**MARSHALL E. CORNBUM and wife,
MADELINE H. CORNBUM; MICHAEL
CORNBUM and wife, CAROLYN
CORNBUM; and LONGBRANCH
PROPERTIES, LLC,**

Defendants.

ORDER

THIS MATTER is before the undersigned pursuant to the Plaintiff's Attorney Certification and Report of F.R.C.P.26(f) Conference and Discovery Plan (#58) and the Defendant's Certification of Initial Attorneys' Conference (#59).

A review of the Plaintiff's certification shows that the Plaintiff proposes to consolidate this matter with file 2:12cv69 and further that the Plaintiff moves to stay discovery until a Judgment is entered in file 2:12cv34. An examination of the Defendants' certification shows that Defendant objects to consolidation, but joins in the request that discovery be stayed until a final disposition in file 2:12cv69.

The Court has examined the file in this matter and does not find there is a motion to consolidate to two cases that are pending. A previous motion had been

filed by the Plaintiff's predecessor and that motion was denied (#39) and (#48). Neither party has filed a motion to stay discovery and has simply included such a request in their certifications. Despite being concerned with these matters, of major concern to the Court is the fact that on November 7, 2012 the undersigned entered a Pretrial Order and Case Management Plan (#10). This Order was entered at a time when the present intervenor Plaintiff was not a party, but its predecessor was a party and was represented by the same attorneys now representing the present Plaintiff. Pursuant to the Pretrial Order and Case Management Plan, discovery in this matter was to be completed by June 1, 2013 and motions were to be filed by July 1, 2013. The file does not show that any party moved to extend the discovery period. There was a motion filed by Defendants requesting an extension of time to file dispositive motions and that motion was allowed and dispositive motions were to be filed by September 1, 2013. There does not appear there has ever been filed any motion to stay the discovery schedule as set forth in the Pretrial Order.

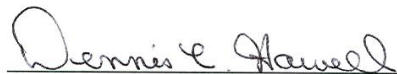
As a result of the foregoing, the undersigned will schedule a hearing as to the Plaintiff's Attorney Certification and Report of F.R.C.P.26(f) Conference and Discovery Plan (#58) and the Defendants' Certification of Initial Attorneys' Conference (#59). Attorneys for the parties should be prepared to explain to the

Court why discovery was not completed in this matter by June 1, 2013 and to make a full and complete report to the Court as to what discovery was taken during the period between November 7, 2012 and the present time. The attorneys for the parties will be required to appear before the undersigned for the hearing.

ORDER

IT IS, THEREFORE, ORDERED that a hearing be scheduled as to the Plaintiff's Attorney Certification and Report of F.R.C.P.26(f) Conference and Discovery Plan (#58) and the Defendants' Certification of Initial Attorneys' Conference (#59). The hearing will be held in Courtroom #2 of the United States Courthouse in Asheville, NC on March 3, 2014 at 2:00pm. Counsel for the Plaintiff and counsel for the Defendants are required to appear for the hearing.

Signed: February 19, 2014

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Dennis L. Howell
United States Magistrate Judge

