

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
2:13 cv 26**

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 \$40,173.25 in UNITED STATES)
 CURRENCY)
)
 and)
)
 \$40,000.00 in UNITED STATES)
 CURRENCY,)
)
 Defendants.)
 _____)

ORDER

THIS MATTER has come before the undersigned pursuant to a Motion for Case Management and Discovery Plan (#11) filed by the Government. An examination of the file in this matter shows that the parties have not complied with LCvR 16.1 regarding Pretrial Conferences. That Rule provide as follows:

(A) Initial Attorney’s Conference. As soon as is practicable, and in any event not later than fourteen (14) days from joinder of the issues (as defined in Section (B) below), the parties or their counsel shall confer as provided by Fed. R. Civ. P. 26(f), and conduct an “Initial Attorney’s Conference” (“IAC”). In addition, counsel shall also discuss at such conference consent to magistrate judge jurisdiction. See LCvR 73.1(C).

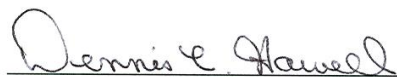
(B) Deadline for Filing the Certification of Initial Attorney's Conference. Within five (5) days of the IAC, the parties shall complete and file the Certification of Initial Attorney's Conference ("CIAC"), which shall include a proposed discovery plan. The CIAC shall serve as a guideline for the Court in issuing a Scheduling Order as provided by Fed. R. Civ. P. 16(b). If the parties choose to stipulate out of, or object to, the mandatory initial disclosure procedure required by Fed. R. Civ. P. 26(a)(1), they must so indicate in the discovery plan.

At the time of the filing of the motion, the parties had not submitted a Certification of Initial Attorney's Conference. After consultation with the Court on September 18, 2013, the parties did submit the Certification and Report as required by the Local Rules and the Court has entered a scheduling order in compliance with the Certification and Report. As a result, the Motion for Case Management and Discovery Plan (#11) has been rendered moot and will be denied.

ORDERED

IT IS, THEREFORE, ORDERED that the Motion for Case Management and Discovery Plan (#11) has been rendered moot and is **DENIED**

Signed: September 23, 2013



Dennis L. Howell
United States Magistrate Judge

