

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
2:14 CV 49**

NAUTILUS INSURANCE COMPANY,)
)
 Plaintiff)
)
 v)
)
 SMOKY MTN CONSTRUCTION CO.,)
 PATRICK BRAY, and MARGARET)
 O'BANNION,)
)
 Defendants.)

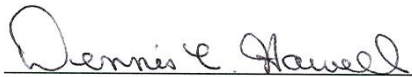
ORDER

THIS MATTER is before the undersigned pursuant to the Plaintiff Nautilus Insurance Company’s Report on Selection of Mediator (#13). From a review of the report, it appears that Plaintiff’s counsel and counsel for Defendants Patrick Bray and Margaret O’Bannion have agreed to the selection of a mediator in this matter as provided by the Pretrial Order and Case Management Plan (#12) entered in this cause. Counsel for the Defendant Smoky Mtn Construction Co. has not responded to multiple efforts made to him seeking his consent to the selection of a mediator. As a result, the undersigned will enter an order selecting the mediator who has been chosen by counsel for Plaintiff and counsel for Defendants Bray and O’Bannion, that being Thomas C. Duncan of Thomas C. Duncan, PLLC, 1850 Pembroke Road, Greensboro, NC 27408.

ORDER

IT IS, THEREFORE, ORDERED that **Thomas C. Duncan** of Thomas C. Duncan, PLLC, 1850 Pembroke Road, Greensboro, NC 27408 is appointed as the **mediator** in this matter. Counsel for the Plaintiff is directed to advise Mr. Duncan of his selection in this case. The costs of the mediation, including the fees of Mr. Duncan, shall be borne by all parties in this matter, including Smoky Mtn Construction Co.

Signed: March 25, 2015



Dennis L. Howell
United States Magistrate Judge

