

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CASE NO. 3:07-CV-342-FDW-DCK**

**CONVERGENT ACQUISITIONS AND )  
DEVELOPMENT, INC. and )  
ESTATECOM, LLC, )  
 )  
                  **Plaintiffs,** )  
 )  
                  **v.** )  
 )  
**D.R. HORTON, INC.,** )  
 )  
                  **Defendant.** )**

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**ORDER**

**THIS MATTER IS BEFORE THE COURT** on parties’ “Joint Motion For Stay Of Proceedings” (Document No. 2) filed August 21, 2007. This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b) and immediate disposition is appropriate.

This matter is governed by the “Standing Order Governing Civil Case Management Before The Honorable Frank D. Whitney” (3:07-MC-47 (Document No. 2)). As such, the “Initial Scheduling Order” (which was issued in this matter on August 21, 2007) provides as follows:

Extensions of time to serve pleadings shall not be granted except by leave of court for good cause shown (consent of opposing counsel alone is not sufficient). Absent extraordinary circumstances, no party shall receive more than one extension of time to serve a pleading, with any such extension being no more than twenty (20) days in duration. ... Any motion to extend the foregoing time... shall be filed immediately upon counsel learning of the need for the same and in any event no fewer than three (3) business days in advance of the filing deadline sought to be modified. The moving party must show consultation with opposing counsel regarding the requested extension and must inform the Court of the views of opposing counsel on the request. If a party fails to make the requisite showing,

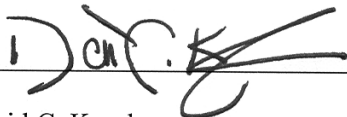
the Court will summarily deny the request for extension. Any motion for an extensions must also be accompanied by a separately submitted proposed form of order.

Having fully considered the pleading and the record, and noting good cause shown, the undersigned will grant a twenty (20) day extension as allowed by the "Standing Order ..." (3:07-MC-47 (Document No. 2)) governing this case. Further extensions in this matter are unlikely absent extraordinary circumstances.

**IT IS, THEREFORE, ORDERED** that parties' "Joint Motion For Stay Of Proceedings" (Document No. 2) is **GRANTED**. The parties shall file a stipulation of dismissal of this case or Defendant shall file an Answer or other responsive pleading, on or before **September 11, 2007**.

**SO ORDERED.**

Signed: August 22, 2007

  
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David C. Keesler  
United States Magistrate Judge

