

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO: 3:08-CV-413-FDW-DCK**

CORPORATE FLEET SERVICES,)	
)	
Plaintiff,)	
v.)	ORDER
)	
WEST VAN, INC., and)	
WEST VAN, INC./GENERAL AVIATION)	
SERVICES, LLC, a General Partnership,)	
)	
Defendants.)	
)	

THIS MATTER is before the Court *sua sponte* for scheduling matters.

The record reflects that the parties have not yet conducted their initial attorney’s conference or filed their joint proposed discovery plan. Local Rule 16.1 requires that “as soon as is practicable, and in any event not later than fourteen (14) days from joinder of the issues..., the parties or their counsel shall confer as provided by Fed. R. Civ. P. 26(f), and conduct an Initial Attorney’s Conference.” The parties thereafter file a joint proposed discovery plan. The Court will then enter its comprehensive Pretrial Order and Case Management Plan, which sets the deadlines for the litigation.

The Magistrate Judge notes that the requirement of the initial attorney’s conference is triggered by the “joinder of issues” which occurs when the last responsive pleading is filed. Defendant West Van, Inc. filed its answer on October 17, 2008. (Document No. 19). Defendant General Aviation was dismissed from this action on December 17, 2008 without an answer. (Document No. 35). The third named party, Defendant West Van, Inc./ General Aviation Services

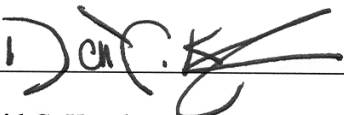
LLC, a General Partnership, has not answered to date. Given that the parties dispute the existence of this partnership, it appears unlikely that an answer will be filed on its behalf anytime soon.

Although the case has been proceeding, the Court has not yet issued its Pretrial Order and Case Management Plan. In order to remedy this and prevent possible delay, the Magistrate Judge will require the parties to proceed now with their initial attorney's conference and to submit a joint proposed discovery plan.

IT IS THEREFORE ORDERED that the parties, through counsel, shall conduct their initial attorney's conference by January 30, 2009, and submit their joint proposed discovery plan within five days thereafter.

IT IS SO ORDERED.

Signed: January 16, 2009



David C. Keesler
United States Magistrate Judge

