

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:08-cv-00413-W**

CORPORATE FLEET SERVICES,)

Plaintiff,)

vs.)

WEST VAN, INC., and)
WEST VAN, INC. / GENERAL)
AVIATION SERVICES, LLC,)
a General Partnership,)


Defendants.)

ORDER

THIS MATTER is before the Court based on its contempt order issued on November 5, 2009, for Defendants' failure to comply with the Court's oral order on November 2, 2009, to enter a new attorney of record within 48 hours. In the order, the Court extended the deadline for entering new counsel to Friday, November 6, 2009, at 5pm. On Friday afternoon at approximately 3:42 p.m., Jameson Wells contacted Chambers about the possibility of representing West Van, but requested one more business day to ensure the financial fidelity of the commitment. Chambers informed Mr. Wells that the undersigned judge was at a funeral of an attorney who passed away during the course of a trial three days prior. Nonetheless, Chambers e-mailed the undersigned about the matter. The undersigned received the email at approximately 4:45p.m. and returned Mr. Wells' call. The undersigned authorized Mr. Wells one more business day to confirm his representation. Both Mr. Wells and the Court were unable to file any notice or order by 5 p.m. on Friday, November, 6, 2009, due to Court's CM/ECF system upgrade, which rendered the system unusable after 2 p.m. Friday afternoon. The Court

also was unable to arrange a conference call at 4:45 p.m. because the undersigned was calling on his blackberry from his home. As a result, the Court will not hold the Defendants' in contempt for a second time. However, the Court still holds the Defendants' in contempt for failure to comply with the Court's first oral ruling and directs new counsel for Defendants' to respond to Plaintiff's Motion to Dismiss West Van's Counterclaim (Doc. No. 73) and Plaintiff's Motion for Sanctions (Doc. 76).

Signed: November 9, 2009



Frank D. Whitney
United States District Judge

