

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CIVIL CASE NO. 3:08cv545

HOME DESIGN SERVICES, INC.)
)
Plaintiff,)
)
vs.)
)
RANDY CARRIKER CUSTOM HOMES,))
INC., RANDY CARRIKER, GRAY))
DESIGN, L.L.C., JEFFREY DALE))
GRAY, CARL D. FOCHLER,))
))
Defendants.))
_____)

ORDER

THIS MATTER is before the Court *sua sponte* to ascertain the status of the case.

Defendants Randy Carriker Custom Homes, Inc. and Randy Carriker (the Carriker Defendants) were served with the Summons and Complaint on December 24, 2008. [Docs. 17 & 18]. Each of their Answers was due on January 13, 2009; however, to date, no Answer for either of these Defendants has been filed. Plaintiff has not moved for entry of default.

Defendants Gray Design, L.L.C. and Jeffrey Dale Gray (the Gray

Defendants) were served with the Summons and Complaint on December 13, 2008. [Docs. 19 & 20]. Attorney James M. Harrington filed a notice of appearance on behalf of these Defendants and obtained extensions of time within which to answer. [Doc. 12; Doc. 14]. The Answer for these Defendants was due on February 2, 2009; however, it was not filed until February 11, 2009. [Doc. 22]. The Answer which was filed contains a motion to dismiss. Counsel is advised that pursuant to Local Rule 7.1(C)(1), the motion will not be decided unless a separate motion and supporting brief are filed.

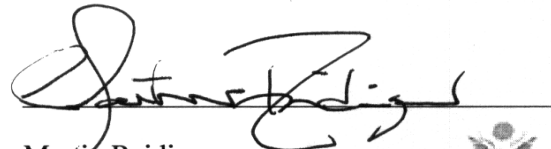
Defendant Carl D. Fochler filed his Answer on January 8, 2009. [Doc. 16]. The parties should now confer and file a Certificate of Initial Attorneys' Conference pursuant to Local Rule 16.1.

The Court will require the parties to advise of these various matters.

IT IS, THEREFORE, ORDERED that on or before fifteen (15) days from entry of this Order, the Plaintiff shall advise whether it intends to seek entry of default against the Carriker Defendants.

IT IS FURTHER ORDERED that in the event the Plaintiff does not object to the timeliness of the answer of the Gray Defendants, the parties shall confer and file a Certificate of Initial Attorneys' Conference pursuant

to Local Rule 16.1.


Martin Reidinger
United States District Judge



Signed: February 20, 2009