

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

DOCKET NO. 3:09-cv-45-FDW

ANNE MARIE CLUKEY,

Plaintiff,

vs.

CITY OF CHARLOTTE, NC,

Defendant.

ORDER

THIS MATTER comes now before the Court upon Defendant's Motion to Stay Initial Attorney's Conference (Doc. No. 7) pending resolution of Defendant's Motion to Dismiss pursuant to Rule 12(b)(6) (Doc. No. 4). Defendant's Motion is DENIED.

As stated in the Initial Scheduling Order filed in this case,

The filing of any other preliminary motions—including motions made pursuant to Rules 12(b)(3), 12(b)(6), and 12(b)(7)—will NOT presumptively toll the time required to plead an answer, counterclaims, and/or third-party complaint. . . . Accordingly, a defendant who contemplates filing a Rule 12(b)(6) motion must still serve and file a timely responsive pleading and prepare to commence with discovery as provided below.

Initial Scheduling Order, 3:07-MC-47 (Doc. No. 2) at 3(c)(ii). The Court sees nothing extraordinary in Defendant's Motion that would persuade it to act otherwise in this case.

Accordingly, Defendant's Motion is DENIED.

IT IS SO ORDERED.

Signed: March 16, 2009

Handwritten signature of Frank D. Whitney, United States District Judge, with official seal.