

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:09cv231**

**NATIONAL FIRE INSURANCE )  
COMPANY OF HARTFORD; )  
TRANSPORTATION INSURANCE )  
COMPANY; AMERICAN CASUALTY )  
CO. OF READING, PA.; AND )  
CONTINENTAL CASUALTY )  
COMPANY, )**

**Plaintiffs,**

**Vs.**

**ORDER**

**JOSE TRUCKING CORP., d/b/a G & P )  
CONTRACTORS, INC.; and G & P )  
CONTRACTORS, INC., )**

**Defendants.**

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**THIS MATTER** is before the court on the joint Motion to Amend the Pretrial Order and Case Management Plan. Included in such captioned motion is an additional request that the February 17, 2010, hearing be canceled. While the court appreciates the filing of the exhibits *nunc pro tunc* and a proposed briefing schedule as to the choice of laws issue, the motion does not reflect that the parties have resolved the issue of attorneys fees, which is also a subject of the hearing. Further, the motion does not show any reason under Rule 6(b), Federal Rules of Civil

Procedure, as to why the parties failed to timely comply with the district court's November 12, 2009, Order, which required the parties to file a briefing schedule by December 12, 2009. Having considered the joint motion and reviewed the pleadings, the court enters the following Order. If the parties have resolved the issue of attorney fees and expenses and can show good and sufficient reason for their noncompliance with the Order of the district court the undersigned will allow the parties to renew their request that the hearing be cancelled.

**ORDER**

**IT IS, THEREFORE, ORDERED** that the joint Motion to Amend the Pretrial Order and Case Management Plan (#27) is added to the February 17, 2010, calendar.

Signed: February 3, 2010

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Dennis L. Howell  
United States Magistrate Judge

