

**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.)

_____)

THIS MATTER is before the court on the joint Motion to Award Attorneys’ Fees and Costs Incurred in Bringing a Motion to Compel Discovery (#29). In such motion, defendants have waived their right to be heard as to the imposition of an appropriate fee under the Federal Rules of Civil Procedure, and the parties have announced that their agreement that defendants will pay to plaintiffs \$1500.00 in settlement of their costs and fees associated with the prosecution of the Motion to Compel. Finding such to be both a just and reasonable resolution, the court will so

direct the payment of such amount.

The parties have also advised the court that the reason they did not comply with the district court's Order is that they simply forgot to do so. The court appreciates such candor and determines such to be excusable under Rule 6(b), and will enter a scheduling Order as discussed below.

Finally, the court has discussed with the district court the proposed enlargement of the deadlines contained in the previous motion. With the approval of the district court, the undersigned will modify the Pretrial Order accordingly. It now appearing that all outstanding issues in this matter have been resolved, the February 17, 2010, will be cancelled.

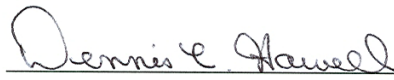
ORDER

IT IS, THEREFORE, ORDERED that

- (1) the joint Motion to Award Attorneys' Fees and Costs Incurred in Bringing a Motion to Compel Discovery (#29) is **ALLOWED**, and plaintiffs is awarded \$1500.00 as costs and fees as to the Motion to Compel, which shall be paid by defendants immediately;
- (2) the joint Motion to Amend the Pretrial Order and Case Management Plan (#27) is **ALLOWED**, and deadlines are **ENLARGED** as follows:
 - (a) discovery, May 15, 2010;

- (b) plaintiffs' experts, April 1, 2010;
 - (c) defendants' experts, April 1, 2010;
 - (d) motions, June 15, 2010; and
 - (e) trial, beginning Monday, November 1, 2010;
- (3) briefing as to the choice of laws issues shall be accomplished as follows:
- (a) plaintiffs' motion and brief, March 3, 2010;
 - (b) defendants' responsive brief, March 23, 2010; and
 - (c) plaintiffs' reply brief, April 2, 2010; and
- (4) the motions and fee hearing scheduled for February 17, 2010, at 2 p.m.
is **CANCELLED**.

Signed: February 4, 2010



Dennis L. Howell
United States Magistrate Judge

