

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:10-CV-159-DCK**

CHRISTENE JONES,)
)
 Plaintiff,)
)
 v.)
)
 J.S. & T.S., LLC d/b/a)
 NORTH CROSS LANES,)
)
 Defendant.)
 _____)

ORDER

THIS MATTER IS BEFORE THE COURT *sua sponte* regarding “Defendant’s Motion For Protective Order And Memorandum Of Law In Opposition To Plaintiff’s Motion For Leave To Take *De Benne Esse* Depositions Of Dr. Rosacker And Dr. Adham” (Document No. 45) filed January 20, 2012. The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and immediate review of this response and/or motion is appropriate.

The Court issues this Order to clarify the record and briefing schedule of this matter. Pursuant to Local Rule 7.1 (C)(2), motions may not be included in responsive briefs. The Clerk of Court has properly construed “Defendant’s Motion For Protective Order And Memorandum Of Law In Opposition To Plaintiff’s Motion For Leave To Take De Benne Esse Depositions Of Dr. Rosacker And Dr. Adham” (Document No. 45) as a brief in response to “Plaintiff’s Motion For Leave To Take De Benne Esse Depositions Of Doctor Rosacker And Doctor Adham” (Document No. 42), and not as a pending motion. Pursuant to the Court’s previous Order (Document No. 44), Plaintiff’s reply brief in support of her motion to take additional depositions is due on or before **January 23, 2012**.

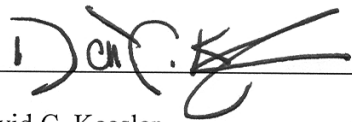
To the extent Defendant seeks to file a motion for protective order or a motion to quash

regarding a deposition of Dr. O'Brien, it may do so as allowed by the Rules, including Local Rule 7.1(B).

IT IS, THEREFORE, ORDERED that "Defendant's Motion For Protective Order And Memorandum Of Law In Opposition To Plaintiff's Motion For Leave To Take *De Benne Esse* Depositions Of Dr. Rosacker And Dr. Adham" (Document No. 45) is properly construed as a response brief, and is **DENIED WITHOUT PREJUDICE** to the extent it requests entry of a protective order.

SO ORDERED.

Signed: January 23, 2012



David C. Keesler
United States Magistrate Judge

