

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:10cv462  
[consolidated with 3:10cv543]**

**THE CATO CORPORATION,** )  
 )  
 **Plaintiff,** )  
 )  
 **Vs.** )  
 )  
 **L.A. PRINTEX INDUSTRIES, INC.,** )  
 )  
 **Defendant.** )

**ORDER**

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**L.A. PRINTEX INDUSTRIES, INC.,** )  
 )  
 **Plaintiff,** )  
 )  
 **Vs.** )  
 )  
 **THE CATO CORP., a Delaware corporation;** )  
 **VOLUMECCOMO APPAREL, INC., a** )  
 **California Corporation; LI & FUNG LTD.,** )  
 **a Hong Kong Limited Company; LF USA,** )  
 **INC., a New York Corporation; and** )  
 **DOES 3 through 10,** )  
 )  
 **Defendants.** )

**THIS MATTER** is before the court on L.A. Printex’s Motion to Modify Scheduling Order to Extend Discovery and Trial-Related Dates (#121). L.A. Printex requests that the court vacate the current Scheduling Order and issue an Order that the parties conduct a supplemental Initial Attorneys’ Conference and submit a revised proposed Pretrial Order, based upon this court’s prior Order in which L.A. Printex was granted leave to amend its First Amended Complaint to add cross-defendant LF USA as a party to the case (#111). In that Order, the court put the parties “on notice that L.A. Printex’s delay in filing the present motion may not be without consequence and may be considered in awarding costs and determining whether additional time for discovery is necessary

once LF USA is formally added to this action.” Id., pp. 5-6.

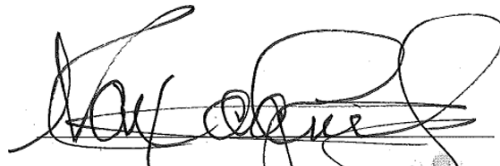
Following the court’s Order, cross-defendant LF USA filed a responsive Answer on July 20 (#114). L.A. Printex states that its counsel contacted defendants on August 8 and unsuccessfully requested that the parties stipulate to a continuance of the current trial dates. Mot. to Modify Scheduling Order, p. 2. The court notes that L.A. Printex waited over 14 days to file its Motion after contacting defendants to request an extension, and filed said Motion just five weeks prior to the trial date. In order for the parties to conduct meaningful discovery, however, the court finds that good cause exists to vacate the current Scheduling Order and continue the trial date to the next available civil docket term. The court again encourages the parties to consider an amicable resolution of this matter.

### **ORDER**

**IT IS, THEREFORE, ORDERED** that L.A. Printex’s Motion to Modify Scheduling Order to Extend Discovery and Trial-Related Dates (#121) is **GRANTED** and the following deadlines are enlarged:

- (1) discovery, October 15, 2012;
- (2) motions, November 1, 2012; and
- (3) trial, first term beginning on or after December 3, 2012.

Signed: August 30, 2012



Max O. Cogburn Jr.  
United States District Judge