

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:10-CV-553-GCM-DCK**

BANK OF AMERICA, N.A.,)
)
 Plaintiff,)
)
 v.)
)
 OLD REPUBLIC INSURANCE)
 COMPANY,)
)
 Defendant.)
 _____)

ORDER

THIS MATTER IS BEFORE THE COURT on “Defendant Old Republic Insurance Company’s Motion For Leave To File Its Renewed Motion To Compel Deposition And Motion For Sanctions Under Seal” (Document No. 124) filed December 20, 2012; “Defendant Old Republic Insurance Company’s Renewed Motion To Compel Deposition And Motion For Sanctions” (Document No. 126) filed December 21, 2012; and “Bank Of America, N.A.’s Motion For Briefing Schedule Re Old Republic’s Renewed Motion To Compel Deposition And Bank Of America’s Motion For Protective Order” (Document No. 127) filed January 3, 2013. These motions have been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motions and the record, the undersigned will grant the motions in part, and deny the motions in part.

Although Defendant’s “...Motion For Leave To File Its Renewed Motion To Compel Deposition And Motion For Sanctions Under Seal” (Document No. 124) indicates that Plaintiff declined to state its position on this motion, it now appears based on Plaintiff’s “Motion For Briefing Schedule....” (Document No. 127) that Defendant’s motion to seal is unopposed. See

(Document No. 123, p.2; Document No. 127, pp.2-3). Next, the undersigned observes that instead of waiting for a response from Plaintiff, or an order from the Court on its motion to seal, Defendant instead filed an unsealed but redacted "...Renewed Motion To Compel Deposition And Motion For Sanctions" (Document No. 126). The parties now purportedly agree that a sealed and unredacted version of Defendant's "...Renewed Motion To Compel Deposition And Motion For Sanctions" should be filed. (Document No. 127).

Plaintiff's "Motion For Briefing Schedule..." sets forth the parties proposed briefing schedule based on motions they anticipate being filed. The undersigned finds denying Defendant's "...Renewed Motion To Compel Deposition And Motion For Sanctions" (Document No. 126) without prejudice to file a similar motion under seal, may satisfy at least some of the parties' scheduling concerns. To the extent the parties need additional time to respond to any future motions, they may request such relief after conferring with each other and informing the Court of the other side's position pursuant to Local Rule 7.1 (B).

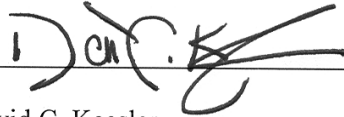
IT IS, THEREFORE, ORDERED that "Defendant Old Republic Insurance Company's Motion For Leave To File Its Renewed Motion To Compel Deposition And Motion For Sanctions Under Seal" (Document No. 124) is **GRANTED**.

IT IS FURTHER ORDERED that "Defendant Old Republic Insurance Company's Renewed Motion To Compel Deposition And Motion For Sanctions" (Document No. 126) is **DENIED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that "Bank Of America, N.A.'s Motion For Briefing Schedule Re Old Republic's Renewed Motion To Compel Deposition And Bank Of America's Motion For Protective Order" (Document No. 127) is **DENIED WITHOUT PREJUDICE**.

SO ORDERED.

Signed: January 4, 2013



David C. Keesler
United States Magistrate Judge

