

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:10-CV-665-RJC-DCK**

CARLYLE H. HILL,)
)
 Plaintiff,)
)
 v.)
)
 FORWARD AIR SOLUTIONS, INC.,)
)
 Defendant.)
 _____)

ORDER

THIS MATTER IS BEFORE THE COURT *sua sponte* regarding scheduling concerns and “Plaintiff’s Motion For Civil Contempt” (Document No. 18). This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate.

The undersigned observes that the pending motion for civil contempt relates to Plaintiff’s efforts to depose a non-party witness, Larry R. Scott, Jr. (Document Nos. 18 & 22). On or about September 19, 2011, the Court received a copy of a letter/response from Mr. Scott to Plaintiff’s counsel. (Document No. 25). Mr. Scott’s submission to the Court expresses a willingness to participate in a deposition conducted by Plaintiff’s counsel, and suggests that Mr. Scott was unable to attend the previously scheduled deposition on August 29, 2011 due to Hurricane Irene. (Document No. 25). The recently filed document does not explain why Mr. Scott failed to appear at his deposition originally scheduled for July 28, 2011.¹ Thus far, Mr. Scott appears to be acting without the assistance of counsel in this matter.

¹ It is also unclear whether Mr. Scott received notice of the original deposition, which was served at a different address than subsequent mailings and appears to have been received by someone other than Larry R. Scott, Jr. (Document No. 18-2).

Under these circumstances, the Court will allow Mr. Scott's late-filed response. Moreover, the undersigned will respectfully encourage the parties to work together to make arrangements for Mr. Scott to be deposed as soon as possible, and without further Court intervention.

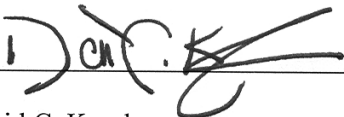
IT IS, THEREFORE, ORDERED that the non-party witness, Larry R. Scott, Jr., is allowed an extension of time through and including **September 20, 2011**, to respond to "Plaintiff's Motion For Civil Contempt" (Document No. 18); "Plaintiff's Notice Of Supplemental Filing In Support Of His Motion For Civil Contempt" (Document No. 22); and the Court's "Order" (Document No. 23). As such, Larry R. Scott, Jr.'s submission to the Court (Document No. 25), received on or about September 19, 2011, will be accepted as a timely response.

IT IS FURTHER ORDERED that Plaintiff shall file a reply brief, or notice of withdrawal, regarding the pending "...Motion For Civil Contempt" (Document No. 18) on or before **September 26, 2011**.

The Clerk of Court is directed to send a copy of this Order to Mr. Larry R. Scott, Jr. by certified U.S. Mail at the address provided in Plaintiff's "Affidavit Of Service" (Document No. 21).

SO ORDERED.

Signed: September 20, 2011



David C. Keesler
United States Magistrate Judge

