

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:11-CV-023-RJC-DCK**

US COMMODITY FUTURES TRADING)
COMMISSION,)
)
 Plaintiff,)
)
 v.)
)
 KEITH F. SIMMONS, et al.,)
)
 Defendants.)
)

ORDER

THIS MATTER IS BEFORE THE COURT *sua sponte* regarding the status of this case. The undersigned notes that the Honorable Robert J. Conrad, Jr. issued an “Order Lifting Stay” (Document No. 130) on June 24, 2015. That Order lifted the stay of discovery imposed by the Court on March 15, 2011, while related criminal cases were still pending. (Document No. 130); see also (Document No. 69).

Judge Conrad further directed that the undersigned review the status of this matter and determine how the Court should proceed. Id. As such, the undersigned directed each remaining party to this action to file a Status Report of five (5) pages or less. (Document No. 134). Status Reports were timely filed on July 8, 23, and 24, 2015. See (Document Nos. 137, 138, 139 and 140).

After careful review of the parties’ Status Reports, the undersigned finds that, with one or two possible procedural exceptions, this matter is ripe for the filing of dispositive motions. As such, the Court will direct that the parties hold an Initial Attorney’s Conference (“IAC”) and then file a Certification of Initial Attorney’s Conference (“CIAC”). See Local Rule 16.1. The Court

anticipates issuing an abbreviated scheduling order, after the CIAC is filed, that allows for the prompt filing of motions for default and/or motions for summary judgment.

To the extent it has been suggested that a Judicial Settlement Conference be held, that request is denied without prejudice. The undersigned is not persuaded that a Judicial Settlement Conference is likely to be effective here.

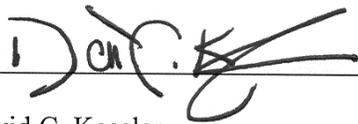
In addition, the undersigned observes that Defendant Coats has suggested that there is still a pending request for the appointment of counsel. (Document No. 139). However, the Court denied Mr. Coats' "Motion For Appointment Of Counsel" (Document No. 128) on April 3, 2015. See (Document No. 129).

IT IS, THEREFORE, ORDERED that the parties shall conduct an IAC and file a CIAC on or before **September 30, 2015**.

The Clerk of Court is directed to send a copy of this "Order" and (Document Nos. 125 and 129) to Defendant Bryan Coats by certified U.S. Mail, return receipt requested.

SO ORDERED.

Signed: September 1, 2015



David C. Keesler
United States Magistrate Judge

