US Commodity Futures Trading Commission v. Prestige Capital Advisors, LLC et al Doc. 24

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:11-CV-431-MOC-DCK

U.S. COMMODITY FUTURES TRADING COMMISSION,	)	
Plaintiff,	)	
v.	)	**ORDER**
PRESTIGE CAPITAL ADVISORS, LLC, D2W CAPITAL MANAGEMENT, LLC, and TOBY D. HUNTER,	)	
Defendants,	)	

THIS MATTER IS BEFORE THE COURT *sua sponte* regarding scheduling. The undersigned observes that the "Pretrial Order And Case Management Plan" (Document No. 20) set this matter for a trial with a jury; however, neither the "Complaint...." (Document No. 2) nor the "Civil Cover Sheet" (Document No. 2-1) indicates that Plaintiff sought a jury trial. See Fed.R.Civ.P. 38 & 39.

IT IS, THEREFORE, ORDERED that a trial in this matter, if necessary, will be without a jury unless otherwise ordered by the Court. The trial is currently scheduled for **February 4, 2013**.

SO ORDERED.

Signed: September 24, 2012

David C. Keesler
United States Magistrate Judge

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