

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:12-CV-00132-GCM**

MICHAEL MEAD,)
)
Plaintiffs,)
)
v.)
)
CALVIN SHAW)
REGINALD BLOOM)
WILLIAM SAMPSON)
GASTON COUNTY)
J. K. SHAW)
)
)
Defendants.)
)
_____)

ORDER

THIS MATTER is before the Court on consideration of Defendants’ motion to stay Plaintiff’s motion for summary judgment, including the time to respond to that motion.

Plaintiff filed an amended complaint on April 18, 2012 alleging nine state and federal claims against Defendants. (Doc. No. 59). On March 16, 2015, Defendants moved to dismiss Count V on governmental immunity grounds. (Doc. No. 117) On September 14, 2015, Defendants filed a motion for summary judgment as to all claims on the basis of qualified, public officer, and governmental immunity. (Doc. No. 141). On September 15, 2015, Plaintiff filed a cross motion for summary judgment as to Counts II and V. (Doc. No. 150).

On September 18, the present motion was docketed. (Doc. No. 155) Defendants argue that this Court should first rule on their motions, without considering Plaintiff’s motion for summary judgment, because their motions raise threshold issues of immunity. Defendants have cited no case or rule that provides a basis for staying consideration of Plaintiff’s motion. Moreover,

courts routinely rule on cross motions for summary judgment in cases that involve a determination of immunity. *See, e.g., Hensley v. Koller*, 722 F.3d 177, 180 (4th Cir. 2013) (noting that parties had filed cross motions for summary judgment); *Walker v. Prince George's Cnty.*, 575 F.3d 426, 428 (4th Cir. 2009); *Rossignol v. Voorhaar*, 316 F.3d 516, 521 (4th Cir. 2003) (same). Thus, Petitioner's motion is **DENIED**.

SO ORDERED.

Signed: October 14, 2015



Graham C. Mullen
United States District Judge

