

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:13-cv-00159-FDW-DCK

JEFFREY RANDOLPH WATTERSON and)
RANDOLPH ALEXANDER WATTERSON,)

Plaintiff,)

vs.)

ORDER

WOODY BURGESS, JASON GREEN,)
FRANKIE DELLINGER, JENNIFER HOYLE,)
DAVID HODKINS, BOB AUSTELL, MIKE)
ALLRED, DAVID HODKINS, and the CITY)
OF CHERRYVILLE,)

Defendants.)

THIS MATTER is before the Court sua sponte following receipt of Defendants' Rule 26(f) report (Doc. No., 51). In that submission, Defendants request to "bring their respective Rule 12 Motions within 90 days from entry of" a case management order. The Court DENIES that request. Any arguments for Rule 12 motions can be raised in the parties' summary judgment briefs.

Moreover, the Court recently became aware of the fact that no notice has been issued to the Plaintiffs, who appear pro se, regarding the Pro Se Settlement Assistance Program for the Western District of North Carolina. This program provides civil pro se litigants with limited advice and representation at mediated settlement conferences. More information regarding the program can be found on the Court's website <http://www.ncwd.uscourts.gov/pro-se-settlement-assistance-program>.


The Court finds that the parties in this case should be given the opportunity to participate in the program. Accordingly, the Clerk of Court shall send the pro se Plaintiffs a Notice of Availability of the Settlement Assistance Program; and Plaintiffs shall have fourteen (14) days to return the completed Notice form to the Clerk of Court in Charlotte.

IT IS THEREFORE ORDERED that:

- (1) Defendants' request to "bring their respective Rule 12 Motions within 90 days of the entry of" a case management order is DENIED;
- (2) The Clerk of Court shall send the pro se Plaintiffs a Notice of Availability of the Settlement Assistance Program;
- (3) Plaintiffs shall have fourteen (14) days to return the completed Notice form to the Clerk of Court in Charlotte; and
- (4) If the pro se Plaintiffs either affirmatively opt out of the Program or do not respond to the Opt In Notice within the Opt in Period, the Court will promptly enter a Case Management Order based on Defendants' Rule 26(f) report. If Plaintiffs opt in to the Program and the case is unresolved during the settlement conference, the Court will issue a Case Management Order after receiving the Mediator's report.

IT IS SO ORDERED.

Signed: August 21, 2014


Frank D. Whitney
Chief United States District Judge

