## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION DOCKET NO. 3:13-cv-00294-MOC-DSC

| DORIS KIMBERLY SCOTT,        | )      |       |
|------------------------------|--------|-------|
| Plaintiff,                   | )<br>) |       |
| Vs.                          | )      | ORDER |
| NORTH CAROLINA DEPARTMENT OF | )      |       |
| REVENUE,                     | )      |       |
| Defendant.                   | )      |       |

THIS MATTER is before the court on Defendant North Carolina Department of Revenue's Motion for Summary Judgment (#36), which has been fully briefed and is ripe for review. However, as clearly stated by Magistrate Judge Cayer on March 24, 2015 in his Order (#31) denying without prejudice the parties' "Joint Motion for Judicial Settlement Conference" (#30), it does not appear from the docket that mediation has occurred in this case. The Pretrial Order and Case Management Plan (#25) ordered that Mediation be utilized in this case and that a report on the results be filed no later than March 31, 2015. <u>See</u> LCvR 16.2; 16.3 (explaining the procedure for mediation in this district). The docket reflects no information about the mediation status, which is particularly troubling in light of Judge Cayer's March 2015 order. The court will therefore require the parties to complete mediation and certify the result as required by the Pretrial Order and Local Rules, or file a notice with the court stating why such mediation was impossible. Given that the trial in this case is set for August 17, 2015, and the court's next civil motions day is only three business days before such trial date, the court will not hold oral arguments on the motion beforehand and will hear and decide Defendant's Motion at trial.

## **ORDER**

## IT IS, THEREFORE, ORDERED that Defendant North Carolina Department of

Revenue's Motion for Summary Judgment (#36) is **DEFERRED** for consideration at trial.

**IT IS FURTHER ORDERED** that the parties certify the result of mediation as required by the Pretrial Order and/or submit to the court a notice explaining why mediation was impossible within fourteen (14) days of this Order. As stated in the Pretrial Order (#25), failure to comply with any directive of a court order, including directives pertaining to mediation, may result in sanctions.

Signed: July 17, 2015

Max O. Cogburn Jr United States District Judge