

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:14-CV-00072-FDW-DSC**

<b>MARY CAROL ROSS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>ORDER</b>
	)	
<b>HARTFORD LIFE AND ACCIDENT</b>	)	
<b>INSURANCE COMPANY,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

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**THIS MATTER** is before the Court because Defendant has failed to file an answer to Plaintiff's Complaint within the required time limitations. The Court notes that Defendant's Motion to Dismiss, (Doc. No. 5), was based on Rule 12(b)(6) of the Federal Rules of Civil Procedure and therefore did not toll the deadline to file an answer under the Standing Order Governing Civil Case Management Before the Honorable Frank D. Whitney, Misc. No. 3:07-mc-00047 (Doc. No. 2). This Standing Order, which was transmitted to Defendant via ECF, states "a defendant who contemplates filing a Rule 12(b)(6) motion must still serve and file a timely responsive pleading." (Doc. No. 2) (emphasis in original). Accordingly, Defendant is ORDERED to file an answer to Plaintiff's Complaint by 5:00 pm on April 18, 2014. If Defendant fails to file an answer, the Court will entertain a motion for entry of default. Additionally, Defendant is STRONGLY ADVISED to review the Federal Rules of Civil Procedure, the Local Rules, and the Standing Order Governing Civil Case Management Before the Honorable Frank D. Whitney so that no other issues of this

sort arise again in these proceedings.

IT IS SO ORDERED.

Signed: April 15, 2014

A handwritten signature in black ink, reading "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney  
Chief United States District Judge

