

UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF NORTH CAROLINA
 CHARLOTTE DIVISION
 DOCKET NO. 3:14-CV-00391-FDW-DCK

JERRY LEE ROSS,)	
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
TENNESSEE COMMERCIAL)	
WAREHOUSE, INC., et al.,)	
)	
Defendants.)	
)	
)	
)	

THIS MATTER is before the Court because Defendants have failed to file an answer to Plaintiff’s Complaint. The Court notes that Defendants’ Partial Motion to Dismiss is based on Rule 12(b)(6) of the Federal Rules of Civil Procedure and therefore does 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 Defendants via ECF, states that “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, Defendants are ORDERED to file an answer to Plaintiff’s Complaint by 5:00pm on Thursday, September 11, 2014. If Defendants fail to file an answer, the Court will entertain a motion for entry of default from Plaintiff.

All parties are also reminded that memoranda of law in support of or in opposition to any preliminary motion “shall include a certificate by the attorney (or the party if unrepresented), subject to Rule 11, that the submission complies with the foregoing word limitation [word limitation described in Paragraph 3(b)(iv) of the Standing Order].” (Doc. No. 2).

Additionally, all parties are STRONGLY ADVISED to review the Federal Rules of Civil Procedure, the Local Rules, and 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: September 10, 2014

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

Frank D. Whitney
Chief United States District Judge

