

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:16-cv-00077-FDW-DCK

AMIR FARAZAD,)
)
 Plaintiff,)
)
 vs.)
)
 SAMER ARRIS and EMIRATES)
 CONSULTING GROUP, LLC,)
)
 Defendant.)
_____)

ORDER

This matter is before the Court *sua sponte* concerning the status of this case. On January 4, 2017, the Court docketed a letter dated December 28, 2016, from Gary Hemric, the mediator in this matter. (Doc. No. 41). In that letter addressed to counsel and copied to this Court, Mr. Hemric indicated that as a result of a mediated conference on December 20, 2016, the parties executed a Contingent Memorandum of Settlement. The letter further indicated that the conditional settlement required future performance by a non-party individual, which the parties would be “contacting Judge Keesler separately with respect to any impact which performance of the settlement may have upon the Scheduling Order currently in place.” *Id.* On December 22, 2016, two days following the mediated settlement conference, the parties filed a consent motion to stay the scheduling order deadlines (Doc. No. 39), which was promptly denied by the Court via text only entry the following day. Since that time, the parties have not submitted any additional filings with the Court advising the Court as to the status of the conditional settlement agreement.

Even if the parties were unable to fully comply with the conditions set forth in their settlement agreement, the parties have failed to timely prosecute the claims among them. The parties did not file any dispositive motions. Most importantly, the parties failed to appear for

docket call in this matter on the morning of March 6, 2017, as scheduled (Doc. No. 14). Accordingly, it appears to the Court the parties are no longer prosecuting their claims among them.

IT IS THEREFORE ORDERED that this matter is dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The Clerk is respectfully directed to CLOSE THE CASE.

IT IS SO ORDERED.

Signed: March 6, 2017

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

