

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:16-CV-00130-RLV**

LISA M. GORDON,)
)
 Plaintiff,)
)
 v.)
)
 CAROLYN W. COLVIN,)
)
 Defendant.)
)
 _____)

ORDER

BEFORE THE COURT is Defendant’s Consent Motion to Stay. (Doc. 12). This is the second motion to stay in this case.

The instant case was filed on March 14, 2016. The administrative record was filed on May 16, 2016. (Doc. 10). A scheduling order was entered requiring Plaintiff to file her motion on or before July 15, 2016 and the Defendant to file its motion on or before August 13, 2016. (D.E. dated 5/16/2016). A day before Plaintiff’s motion was due, Defendant filed a Motion for Stay of Time requesting a thirty day stay because the hearing testimony correlating to the underlying administrative proceeding was missing from the record filed by the Commissioner. Defendant represented that the Office of Disability Review and Adjudication (ODAR) was working on preparing the transcript and that ODAR did not indicate how long it would take. (Doc. 11, at 1). Plaintiff requested a thirty day stay because she had conflicting schedules over the next few weeks. *Id.* On July 14, 2016, this Court granted Defendant’s motion.

On August 12, 2016, Defendant filed a Second Motion for Stay of Time. (Doc. 12). Defendant, with Plaintiff’s consent, requests an additional thirty days because ODAR “is working

on preparing the supplemental transcript” and “has requested more time.” (Doc. 12, at 1). The motion is **DENIED IN PART AND GRANTED IN PART.**

Plaintiff shall file her motion for summary judgment on September 1, 2016. Defendant shall file its motion on October 3, 2016.

If the transcript is not filed with the Court by Friday, August 19, 2016, the Court will require a declaration submitted under penalty of perjury from a representative of ODAR with personal knowledge of the matter herein to be submitted on **Monday August 22, 2016** explaining why (1) it omitted the transcript from the original record filed; (2) why it could not prepare the transcript within the extra days allotted; and (3) what named individual, with title and mail contact information supplied, has ultimate responsibility for seeing that the transcript is prepared and filed in a timely fashion.

SO ORDERED.

Signed: August 15, 2016



Richard L. Voorhees
United States District Judge

