

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:16-CV-707-DCK**

MICHAEL MCCARTER and FRANCES)	
SUZETTE MCCARTER,)	
)	
Plaintiffs,)	
)	
v.)	<u>ORDER</u>
)	
JAMES LOUIS SToudenmier,)	
)	
Defendant.)	
)	

THIS MATTER IS BEFORE THE COURT *sua sponte* regarding Plaintiffs’ filing of deposition testimony transcripts (Document Nos. 53 and 54). The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and immediate review is appropriate.

At a recent hearing on April 10, 2018, and in a recent “Order” (Document No. 52) filed April 11, 2018, the Court reminded Plaintiffs’ counsel to abide by the “Pretrial Order And Case Management Plan” (Document No. 12) and the Local Rules of this Court. Nevertheless, within just a few days of that admonition, Plaintiffs’ counsel has made two filings that appear to violate both the Local Rules and the “Pretrial Order...” See (Document Nos. 53 and 54). Specifically, Plaintiffs have filed transcripts of deposition testimony under seal. Id.

The Court is not trying to be difficult. The undersigned notes that the “Pretrial Order ...” in this case states in most pertinent part the following:

THE MAINTENANCE OF DISCOVERY MATERIALS:
Discovery materials are NOT to be filed. The parties are responsible for the preservation of any and all discovery materials they may generate.

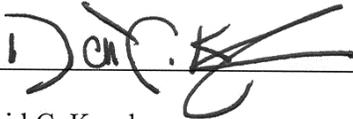
(Document No. 12, p.2) (emphasis in original). Moreover, contrary to the Local Rules, Plaintiffs' counsel filed these discovery documents under seal without seeking leave of the Court. See Local Rule 6.1

IT IS, THEREFORE, ORDERED that the Clerk of Court shall **STRIKE** Document Nos. 53 and 54.

IT IS FURTHER ORDERED that Plaintiffs' counsel shall, prior to any further filings in this matter, conduct a careful review of the Local Rules of this Court and the "Pretrial Order And Case Management Plan" (Document No. 12). Additional filings or conduct that violate the Rules of this Court, the "Pretrial Order...", the Federal Rules of Civil Procedure, or other Orders of this Court may result in sanctions.

SO ORDERED.

Signed: April 13, 2018



David C. Keesler
United States Magistrate Judge

