

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:16-cv-00848-FDW-DSC

CARGILL, INC., and CARGILL MEAT)
SOLUTIONS, CORP.,)

Plaintiffs,)

vs.)

ORDER

WDS, INC., JENNIFER MAIER, and)
BRIAN EWERT,)

Defendants.)

THIS MATTER is before the Court upon the termination of the automatic stay in In re Jennifer Lynn Maier, No. 18-00407-hb, in the United States Bankruptcy Court for the District of South Carolina to allow this case “to proceed in all respects to completion.” (See Doc. No. 346-1). On February 23, 2018, Plaintiffs filed a notice of the termination from the automatic stay, withdrew their footnote excluding Defendant Jennifer Maier from their post-trial motions and filings, and sought a modified briefing schedule for Defendant Maier’s responses. (Doc. No. 346). Plaintiffs request that Defendant Maier’s have through and including March 2, 2018 to file her responses to Plaintiffs’ motions and filings.

Plaintiffs previously filed a Motion for Prejudgment Interest (Doc. No. 320), a Motion for Award of Attorneys’ Fees and Costs (Doc. No. 325), and a Memorandum of Law on the Unfair or Deceptive Trade Practice Act (Doc. No. 329), seeking relief against Defendants WDS, Inc. and Brian Ewert only. Because of the automatic stay then in effect as to Defendant Jennifer Maier, Plaintiffs reserved the right to seek relief against Defendant Maier. As Plaintiffs have withdrawn the footnote excluding the application of these motions and filings as to Defendant Jennifer Maier

on February 23, 2018, Local Rule 7.1(e) would require Defendant Maier's response to such motions and filings no later than March 9, 2018. If they elect to file a reply, Plaintiffs would have seven days from the service of the response to file a reply brief. LCvR 7.1(e).


Defendant Maier also filed a Motion for Judgment as a Matter of Law or Alternatively for New Trial or to Alter or Amend the Judgment (Doc. No. 323). As the automatic stay was still in effect when Plaintiffs' response was due, Plaintiffs filed a notice with the Court. (Doc. No. 343). Once the stay was terminated, Plaintiffs filed their response on February 23, 2018. Under Local Rule 7.1(e), Defendant Maier would have through and including March 2, 2018 to file a reply. If Defendant Maier elects not to file a reply brief, she shall file promptly a notice indicating her election. LCvR 7.1(e).

The Court is not persuaded that Plaintiffs' justification for the expedited briefing schedule without Defendant Maier's consent is warranted.

THEREFORE, the Court, in the exercise of its discretion, DENIES Plaintiffs' request for a modified briefing schedule (Doc. No. 346) but encourages the parties to file any response or reply prior to the deadlines set by the Local Rules. As relief from the automatic stay to proceed in this action has been granted, the Court CLARIFIES and hereby ORDERS that responses and replies are due in accordance with the briefing schedule established by Local Rule 7.1 (e) as summarized above.

IT IS SO ORDERED.

Signed: February 26, 2018


Frank D. Whitney
Chief United States District Judge

