

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:18-CV-095-RJC-DCK**

**RAYMOND BENITEZ, Individually and on  
behalf of all others similarly situated,** )

**Plaintiff,** )

**vs.** )

**THE CHARLOTTE MECKLENBURG  
HOSPITAL AUTHORITY, d/b/a CAROLINAS  
HEALTHCARE SYSTEM, ATRIUM HEALTH,** )

**Defendant.** )

**ORDER**

**THIS MATTER IS BEFORE THE COURT** on “Plaintiff’s Motion To Commence Early Discovery” (Document No. 48) filed June 19, 2018. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and is ripe for disposition. Having carefully considered the motion and the record, the undersigned will deny the motion.

As counsel for both sides have noted, the parties may engage in consensual discovery at any time; however, Court-enforceable discovery does not commence until issues have joined and a Scheduling Order has been entered. See Local Rule 16.1(f). The undersigned has carefully reviewed Plaintiff’s request for early discovery, and noting that “Defendant’s Motion For Judgment On The Pleadings” is pending before Judge Conrad, will respectfully decline to commence Court-enforceable discovery at this time.

**IT IS, THEREFORE, ORDERED** that “Plaintiff’s Motion To Commence Early Discovery” (Document No. 48) is **DENIED**.

Signed: August 20, 2018



David C. Keesler  
United States Magistrate Judge

