

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:14-CV-80**

THOMAS E. PEREZ, Secretary of Labor,)
 U.S. Department of Labor,)
)
Plaintiff,)
)
v.)
)
 RADFORD QUARRIES OF BOONE, INC.,)
 DANNY J. CECILE, RAYMOND S.)
 CECILE, D.J. (JACOB) CECILE,)
)
Defendants.)

ORDER

Pursuant to Federal Rule of Civil Procedure 65(a)(2), *Gellman v. State of Md.*, 538 F.2d 603 (4th Cir. 1976), and in the interests of judicial efficiency, the Court is providing advance notice that it is consolidating the hearing on the preliminary injunction with a trial on the merits. Rule 65(a) permits a district judge to "advance the litigation and save court time by pursuing such a course on his own motion where, as here, the litigants have not moved him to do so." *Singleton v. Anson Cnty. Bd. of Ed.*, 387 F.2d 349, 351 (4th Cir. 1967). The Court notes that Defendants have not appeared or responded in any manner and that Plaintiff has not requested a trial by jury. Therefore, Counsel should prepare for a bench trial. The Clerk is directed to serve Defendants with this notice by mail.

Signed: November 20, 2014



Richard L. Voorhees
 United States District Judge

