

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:17-CV-00102-MOC-DSC**

DENVER GLOBAL PRODUCTS, INC.,)
)
 Plaintiff,)
)
 v.)
)
 ROGER LEON, JEANNE HENDRIX)
 AND KEITH PIERCY,)
)
 Defendants.)

ORDER

THIS MATTER is before the Court *sua sponte* after review of the parties’ pending Motions (documents ## 20-24) and associated briefs and exhibits, specifically “Third-Party Defendant Chongqing Rato Power Co., Ltd.’s Motion to Confirm Arbitration Award and Enter Final Judgment” (document #23), “Defendants and Counterclaim/Third-Party Plaintiffs Roger Leon and Keith Piercy’s Response To ... Motion to Confirm Arbitration Awards and Enter Final Judgment” at 3-6 (document #34), and “Third-Party Defendant Chongqing Rato Power Co., Ltd.’s Reply in Support of Its Motion To Confirm Arbitration Awards...” at 5-6 (document #42).

The Court **ORDERS** Third Party Defendant Chongqing Rato Power Co., Ltd. and Defendants/Third Party Plaintiffs Roger Leon and Keith Piercy to file supplemental briefs. These briefs shall include:

1. Authorities pertaining to whether a party may proceed to arbitration while a motion to compel arbitration is pending before the Court.

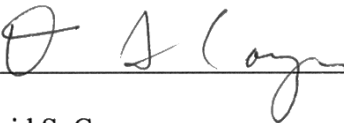
2. Factual basis as to whether the pending Motion to Compel Arbitration (document #21) and the arbitration proceedings before the Chongqing Arbitration Commission involve separate claims and if so, which claims.

These supplemental briefs shall be filed on or before May 7, 2018. No response or reply briefs will be allowed except by leave of Court.

The Clerk is directed to send copies of this Order to counsel for the parties; and to the Honorable Max O. Cogburn, Jr.

SO ORDERED.

Signed: April 6, 2018

A handwritten signature in black ink, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

