

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO.: 3:15-cv-00111-RJC-DCK

EDDIE BOLLMEIER, BILL TRACY and)
SIMON PARROTT,)

Plaintiffs)

vs.)

GARY HUMMEL, STEPHEN BRADFORD,))
ROB STREBLE, STEVE SMYSER,))
ROBERT FREAR, COURTNEY BORMAN,))
and Jane Doe Berman, RONALD NELSON,))
PAUL DIORIO, PAUL MUSIC, JOHN))
TAYLOR, JOE STEIN, PETE DUGSTAD,))
JAY MILKEY and STEPHEN NATHAN,))

Defendants, sued in their)
individual capacity.)

**MOTION TO RECONSIDER ORDER
OF JUNE 17, 2015 GRANTING
PLAINTIFFS EXPEDITED
DISCOVERY**

Defendants GARY HUMMEL, STEPHEN BRADFORD, ROB STREBLE, STEVE SMYSER, JOHN TAYLOR, JOE STEIN, PETE DUGSTAD, JAY MILKEY and STEPHEN NATHAN (collectively, the “defendants”) hereby move this Court to reconsider its text-only Order of June 17, 2015 granting plaintiffs’ Motion for Expedited Discovery for the following reasons:

1. Plaintiffs filed a Motion for Expedited Discovery on June 1, 2015. Doc. 49.
2. The docket text of the Notice of Electronic Filing stated that “Responses due by 6/18/15” and referred the motion to Magistrate Judge David Keesler.
3. As per the Notice of Electronic Filing, it was defendants’ understanding that they had until June 18, 2015 to respond to the motion, and intended to oppose said motion by that date for the reasons discussed in defendants’ Memorandum of Law in Opposition to Plaintiffs’

Motion for Expedited Discovery and in Support of Defendants' Motion to Reconsideration of the Court's June 17, 2015 Text-Only Order.

4. It would be manifestly unjust for the court to rule on plaintiffs' motion without first considering defendants' opposition to the motion.

5. Defendants respectfully request that the Court consider their opposition to plaintiffs' Motion for Expedited Discovery and reconsider its Order of June 17, 2005 granting such discovery.

Respectfully submitted this 18th day of June, 2015.

Respectfully submitted,

TIN FULTON WALKER & OWEN
/s John Gresham

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PETE DUGSTAD, JAY MILKEY, and
STEPHEN NATHAN

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing DEFENDANTS' MOTION TO RECONSIDER ORDER OF JUNE 17, 2005 GRANTING PLAINTIFFS EXPEDITED DISCOVERY with the Clerk of the Court using the CM/ECF system, and that notification pursuant to the CM/ECF system will be sent to:

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This the 18th day of June, 2015.

s/ John W. Gresham
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