

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Civil Action No. 5:15-cv-229

COUNTY OF YADKIN,
)
)
Plaintiff,
)
)
v.
)
CAH ACQUISITION COMPANY 10
)
LLC; HMC/CAH CONSOLIDATED,
)
INC.; and RURAL COMMUNITY
)
HOSPITALS OF AMERICA LLC,
)
Defendants.
)

**MOTION FOR
STATUS CONFERENCE AND TO
CONTINUE HEARING**

Defendants CAH Acquisition Company 10 LLC (CAH #10), HMC/CAH Consolidated, Inc. (“HMC”) and Rural Community Hospitals of America, LLC (“RCHA”) (“Defendants”), by and through their undersigned counsel and pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, respectfully requests that the Court schedule and hold a telephone status conference with the parties in this matter and postpone from June 16, 2015 the hearing of Plaintiff’s pending Motion to Appear and Show Cause and Other Appropriate Relief. In support thereof, Defendants show as follows:

1. This action was commenced in the Superior Court for Wake County, North Carolina, on Friday, May 22, 2015, with the Plaintiff's filing of an Application and Order Extending Time to File Complaint. Plaintiff filed an Amended Application and Order Extending Time to File Complaint on May 26, 2015, which filing added HMC/CAH

Consolidated, Inc. and Rural Community Hospitals of America LLC, as parties to this action. With the original Application and Order, Plaintiff filed, *ex parte*, a Motion for Temporary Restraining Order and Preliminary Injunction.

2. The Honorable Donald W. Stephens entered a Temporary Restraining Order immediately after commencement of this action and set a hearing date of Monday, June 1, 2015, for Plaintiff's Motion for Preliminary Injunction.

3. On Friday, May 29, 2015, Defendant CAH #10 removed this case from Wake County Superior Court to the United States District Court for the Eastern District of North Carolina.

4. On June 1, 2015, Plaintiff filed its Motion to Appear and Show Cause and Other Appropriate Relief ("Motion to Show Cause") in which the Plaintiff seeks an award of civil contempt and to have this Court institute criminal contempt proceedings. Pursuant to Local Civil Rule 7.1(e)(1), Defendants' response to Plaintiff's Motion is due on June 22, 2015.

5. On June 3, 2015, Plaintiff filed its Complaint. The time within which Defendants may answer or otherwise plead has not expired.

6. On June 5, 2015, this Court scheduled for hearing Plaintiff's Motion to Show Cause on June 16, 2015 at 10:30 a.m. in Edenton, North Carolina, prior to the due date of June 22, 2015 for Defendants' response to the Motion to Show Cause.

7. The undersigned counsel for Defendants, prior to the Court's scheduling for hearing Plaintiff's Motion to Show Cause on June 16, 2015, was scheduled to be in the

Superior Court of Guilford County on dispositive and other motions in a matter set for trial on June 29, 2015. There are no other sessions of Guilford County Superior Court after the week of June 15, 2015 prior to the scheduled trial of that matter during which the motions may be heard.

8. The undersigned began attempts to reach the Court's docketing clerk on Monday, June 8, 2015, in order to inquire as to the Court's preferences for dealing with scheduling matters. The undersigned was able to speak with the Court's docketing clerk at approximately noon on the date of this Motion, and has proceeded promptly to get this Motion on file.

9. This Court's telephonic Status Conference with the parties is reasonably necessary in order to schedule Plaintiff's Motion to Show Cause for a time after the filing by Defendants of their response to Plaintiff's Motion, in order to provide Defendants with reasonable notice and an opportunity to oppose and be heard on Plaintiff's Motion, and in order to avoid conflicts with previously scheduled matters which may not be able to be rescheduled.

WHEREFORE, Defendants respectfully move the Court for its Order setting a telephonic Scheduling Conference in this matter and continuing the hearing of Plaintiff's Motion to Show Cause from June 16, 2015, to another date. A proposed Order is submitted contemporaneously herewith.

Respectfully submitted, this the 10th day of June, 2015.

/s/ J. Alexander S. Barrett

J. Alexander S. Barrett
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OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **MOTION FOR STATUS CONFERENCE AND TO CONTINUE HEARING** using the CM/ECF system, which will send notification of such filing to:

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This the 10th day of June, 2015.

/s/ J. Alexander S. Barrett

J. Alexander S. Barrett

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 Defendants.)

ORDER

This matter comes before the court on Defendants' Motion for Status Conference and to Continue Hearing. Having considered the Motion, and for good cause shown,

IT IS HEREBY ORDERED that Defendants' Motion for Status Conference is **GRANTED** and a telephonic Status Conference with counsel for the parties shall be held by the Court on June ___, 2015 at __ m. The scheduling of any hearing of Plaintiff's Motion to Appear and Show Cause and Other Appropriate Relief shall be addressed at the Status Conference.

This the _____ day of June, 2015.

United States District Court Judge