

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ANTHONY K. GRAY,)
)
 Plaintiff,)
)
 v.) 1:18CV00028
)
 O.B. BUILDERS, INC.,)
)
 Defendant.)

ORDER

This case came before the court on Defendant O.B. Builders, Inc.'s motion for summary judgment pursuant to Federal Rule of Civil Procedure 56 (Doc. 17) and the parties' joint motion to continue trial (Doc. 29). The summary judgment motion was heard in open court on June 19, 2019. For the reasons stated at length from the bench, the court finds there is a genuine dispute of material fact as to whether race was a motivating factor in the Defendant's termination of Plaintiff's employment. Accordingly,

IT IS ORDERED that Defendant's motion for summary judgment is DENIED as to Plaintiff's claims under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., and 42 U.S.C. § 1981 and GRANTED as to all Plaintiff's remaining claims.

IT IS FURTHER ORDERED that the parties' joint motion to continue trial is GRANTED and this case will be placed on the October 2019 Civil Master Calendar, with a pretrial conference set for October 1, 2019, at 2:00 p.m. and the trial set to begin

October 15, 2019 at 9:30 a.m., both in Courtroom 2 in Winston-Salem.

IT IS FURTHER ORDERED the parties shall comply in all respects with Fed. R. Civ. P. 26(a)(3) regarding final pretrial disclosure, including the time requirements set out therein. Pretrial disclosures must be made no later than September 6, 2019. Motions in limine must be filed no later than September 13, 2019. Any objections to pretrial disclosures and responses to motions in limine must be served and filed no later than September 20, 2019. Each party shall file a trial brief, along with proposed voir dire and instructions on the issues no later than September 16, 2019. Counsel shall consult and endeavor to file one (1) set of agreed-upon jury instructions to the extent practicable and may file competing jury instructions where there is disagreement. An electronic Word version of the jury instructions shall be emailed to the assigned district judge's ECF mailbox. Counsel shall also submit via email by September 16, 2019, an estimate of trial hours each party contends it will require (including from opening statement through closing argument) for the court's consideration.

/s/ Thomas D. Schroeder
United Stated District Judge

June 20, 2019