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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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10	D. Douglas Gandy, D.O.,)	No. 06-CV-3072-PHX-PGR
)	
11	Plaintiff,)	ORDER
)	
12	vs.)	
)	
13	<hr/> Lynne Shaklan-Brown, et al.,)	
)	
14	Defendants.)	

15 Currently before the Court is the parties’ Stipulated Motion to: (1) Stay the
 16 Proceedings and (2) Refer the Matter to Magistrate Judge Mark A. Aspey or Another
 17 Settlement Judge for a Second Settlement Conference . (Doc. 121.) The parties propose that
 18 this Court order that within five (5) days after the conclusion of the settlement conference,
 19 the parties file either a Notice of Settlement or stipulated proposal setting forth any remaining
 20 deadlines in this case including, *inter alia*, a date by which supplemental discovery pertaining
 21 to the pending counterclaim will be completed and the date by which Counterdefendant Dr.
 22 Gandy must respond to Counterclaimant Dr. Shaklan-Brown’s pending Motion for Summary
 23 Judgment. (Doc. #118.)

24 According to the May 18, 2009 hearing, Mr. Enoch, counsel for Dr. Gandy,
 25 represented to this Court that he would not seek to reopen discovery nor seek another round
 26 of dispositive motions. Upon consideration of such statements, counsel for Dr. Shaklan-
 27 Brown agreed that “all of the discovery that is necessary to resolve this matter is–has been
 28 done.” However, upon learning of the imminent filing of a motion for summary judgment on

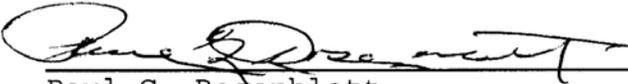
1 the pending counterclaim, Mr. Enoch added a Rule 56 (f) caveat, stating that Dr. Gandy
2 would seek to establish whether relief was to be afforded to him under Rule 56 (f) to conduct
3 further discovery. The Court advises that the mere filing of the instant motion does not
4 amount to establishing discovery should be reopened under Rule 56 (f) nor why further delay
5 should result. Accordingly,

6 IT IS HEREBY ORDERED that this matter is referred to Magistrate Judge Mark A.
7 Aspey for a second settlement conference.

8 IT IS FURTHER ORDERED that if settlement is successful, the parties shall file a
9 Notice of Settlement within five (5) calendar days of the settlement conference.

10 IT IS FURTHER ORDERED that if the settlement conference is not successful, Dr.
11 Gandy shall file his Response to the pending Motion for Summary Judgment¹ within two
12 calendar weeks after the conclusion of the settlement conference. There shall be no further
13 discovery with respect to the pending Motion for Summary Judgment.

14 DATED this 23rd day of June, 2009.

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17 Paul G. Rosenblatt
18 United States District Judge
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24 _____
25 ¹ The pending Motion for Summary Judgement (Doc. 118) was filed May 18, 2009.
26 Nearly one month later, on June 12, 2009, the pending Motion to Stay the Proceedings was
27 filed. (Doc. 121.) Therefore, providing Gandy with two weeks to file his Response to the
28 Motion for Summary Judgment, subsequent to the settlement conference, is more than
adequate under the Local Rules. *See* L.R.Civ. 56.1