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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Plaza 75 Shopping Center, LLC, a)
Delaware limited liability company,

No. CV-10-0592-PHX-DGC

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Plaintiff,

ORDER

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vs.

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Big Lots Stores, Inc., an Ohio corporation,

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Defendant.

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Upon review of Defendant Big Lots Stores, Inc.’s (“Big Lots”) Motion for Relief from Settlement Conference Order Regarding Physical Appearance, Big Lots’ unequivocal “willingness to participate in a settlement conference *provided that Big Lots’ representative was permitted to appear telephonically*[,] doc. 21 at 2 (emphasis added), and the Settlement Conference Order mandating the physical appearance of Big Lots’ corporate representative with full and complete authority to discuss and settle the case, doc. 19 at 2,

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IT IS ORDERED that the settlement conference currently scheduled for August 6, 2010 at 2:00 p.m. is hereby **VACATED**.

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The parties are encouraged to consider a privately-retained mediator who will likely allow party representatives to appear telephonically. If, after significant discovery is completed and all corporate representatives agree to all of the requirements set forth in the Settlement Conference Order, the undersigned Magistrate Judge will reschedule a settlement

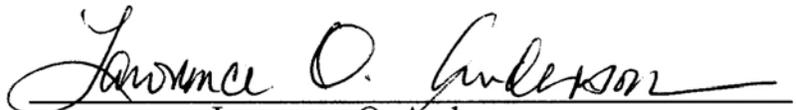
1 conference upon receipt of a written stipulation without the necessity of another referral.

2 In light of the untimeliness of Big Lots' Motion, filed one day before the due
3 date for the parties' settlement conference memoranda, Plaintiff may seek sanctions, if
4 warranted, for the time spent preparing Plaintiff's settlement conference memorandum by
5 filing a motion with the assigned District Judge who may elect to refer it to the undersigned
6 Magistrate Judge.

7 **IT IS FURTHER ORDERED** that Big Lots' Motion for Relief from
8 Settlement Conference Order Regarding Physical Appearance, doc. 21, is **DENIED** as moot.

9 Dated this 30th day of July, 2010.

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Lawrence O. Anderson
United States Magistrate Judge