

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION**

**CHARLES E. STILL, MEMBER
SUMMER RESOURCES, LLC**

PLAINTIFF

v.

CASE NO. 2:10-CV-02074-RTD

**MERCHANTS HOLDING COMPANY, LLC
and KIEWIT SOUTHERN COMPANY**

DEFENDANTS

KIEWIT SOUTHERN COMPANY

THIRD-PARTY PLAINTIFF

v.

BLAKE CONSTRUCTION COMPANY, INC.

THIRD-PARTY DEFENDANT

MERCHANTS HOLDING COMPANY, LLC

THIRD-PARTY PLAINTIFF

v.

**CONSTRUCTION & PROPERTY
CONSULTANTS, INC.**

THIRD-PARTY DEFENDANT

FORT SMITH PAVILION, LLC

CROSS-CLAIMANT

v.

**KIEWIT SOUTHERN COMPANY and
BLAKE CONSTRUCTION COMPANY, INC.**

CROSS-DEFENDANTS

FORT SMITH PAVILION, LLC

THIRD-PARTY PLAINTIFF

v.

**ROVANN LLC, MORRISON-SHIPLEY
ENGINEERS, INC., and TERRACON
CONSULTANTS, INC.**

THIRD-PARTY DEFENDANTS

ORDER

Before the Court is the Third Party Defendant, Construction and Property Consultants, Inc. Motion to Direct Mediation (ECF No. 55) filed on December 10, 2010. The Motion was referred to the undersigned on December 20, 2010 (ECF No. 56) and the court entered an Order directing the parties to confer and contact the court (ECF No. 56) on December 20, 2010.

On December 22, 2010 the Plaintiff filed a Response (ECF No. 58) objecting to any mediation at the present time. On February 28, 2011 a Second Amended Complaint (ECF No. 66) was filed and an Unopposed Motion to Continue (ECF No. 67) was filed on March 2, 2011.

The court finds the Motion to Direct Mediation is **DENIED** at this time as premature. Once the case has been reset for trial the court will enter and order setting the matter for a settlement conference.

IT IS SO ORDERED this 8th day of March 2011.

/s/ J. Marschewski

HONORABLE JAMES R. MARSCHEWSKI
Chief United States Magistrate Judge