

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

Lemuel Cooper, et al.,

Plaintiffs,

vs.

Case No. 3:10-cv-280-J-34MCR

City of Starke, Florida, et al.,

Defendants.

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**ORDER**

**THIS CAUSE** is before the Court on Defendants' Motion to Be Excused from Mediation (Doc. 104) filed October 9, 2011. Defendants Walter A. McNeil, Bobby Adams, Mark McAlister, Jason Polk, Richard Shuler, and Scott Stewart request this Court excuse them from attending the mediation scheduled in this case. Plaintiffs filed a response in opposition to Defendants' Motion on October 17, 2011 (Doc. 113).

Local Rule 9.05(c) of the Middle District of Florida requires "all parties ... be present at the Mediation Conference with full authority to negotiate a settlement." M.D. Fla. R. 9.05(c). Here, the Court finds Defendants presence is necessary to conduct a meaningful mediation.<sup>1</sup> Accordingly, after due consideration, it is

**ORDERED:**

Defendants' Motion to Be Excused from Mediation (Doc. 104) is **DENIED**.

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<sup>1</sup>The Court recognizes Defendants argument that they may not have sufficient time to fully participate at mediation. See (Doc. 104). If settlement can not be reached and Defendants wish the undersigned to conduct a further settlement conference at a later date, Defendants may petition the Court at that time.

**DONE AND ORDERED** in Chambers in Jacksonville, Florida this 17<sup>th</sup> day of  
October, 2011.

*Monte C. Richardson*

MONTE C. RICHARDSON  
UNITED STATES MAGISTRATE JUDGE

Copies to:

Counsel of Record  
Any Unrepresented Party