

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

JOSEPH and WENDY KESSLAK,

Plaintiffs,

v.

Case No. 3:08cv303/MCR/MD

TOWER HILL PREFERRED INSURANCE
COMPANY, et al.,

Defendants.

_____ /

NICEVILLE INSURANCE AGENCY, INC.,

Third-Party Plaintiff,

vs.

LANDAMERICA TAX AND FLOOD SERVICES,

Third-Party Defendant.

_____ /

ORDER

This matter is presently scheduled for jury trial on the court's October 19, 2009, trial docket. In review of the docket, it is unclear to the court whether the parties have submitted to mediation as ordered. The Scheduling and Mediation Order entered November 14, 2008, set forth the trial date, discovery and other pretrial deadlines. (See doc. 15). Additionally, pursuant to paragraph 9 of that order, the parties were ordered to mediate the case on or before a date 28 days after the discovery deadline, with the mediator's report due within 14 days thereafter. The deadlines for conducting mediation and filing the mediator's report are now passed and the docket sheet does not reflect any notice of a scheduled mediation or its outcome. Therefore, the parties shall file a status

report regarding the completion of the ordered mediation. In the event the parties have failed to mediate as ordered, they shall show cause why sanctions should not be imposed against both counsel for failure to comply with an order of the court.

Accordingly, it is ORDERED:

1. The parties shall have five (5) days from the date of this order to file a status report as to the completion of the ordered mediation. In the event the parties have failed to mediate as ordered, they shall show cause why sanctions should not be imposed against both counsel for failure to comply with an order of the court.

2. Failure to comply with this order will result with the imposition of sanctions, which may include dismissal of this cause without prejudice.

ORDERED this 18th day of May, 2009.

s/ M. Casey Rodgers
M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE