

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JAMES O. RIGGS, JR.,

Plaintiff,

v.

CITY OF OWENSVILLE, et al.,

Defendants.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

No. 4:10-CV-793 CAS

**ORDER**

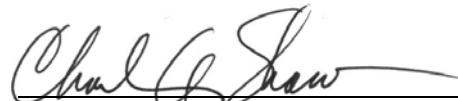
This matter is before the Court on defendants’ Joint Motion to Continue Mediation, which requests an extension of thirty days for the completion of mediation. The basis for the motion is that plaintiff James O. Riggs, Jr. failed to appear for his deposition which was noticed for December 8, 2010, and that defendants do not believe mediation would be productive until plaintiff has been deposed. In the body of the motion, defendants also request that any costs associated with postponement of the mediation be assessed against plaintiff as a sanction for his failure to appear for deposition or provide any notice that he was not going to appear. The motion states that plaintiff’s counsel has consented to an extension of the mediation deadline but does not consent to the taxing of any costs against plaintiff.

The Court will grant the motion to continue mediation for thirty days. Defendants must file a properly-supported motion for sanctions under Federal Rule of Civil Procedure 37(d), or other appropriate motion, if they seek the imposition of sanctions against plaintiff based on his failure to appear for deposition.

Accordingly,

**IT IS HEREBY ORDERED** that defendants' Joint Motion to Continue Mediation is **GRANTED**. [Doc. 39]

**IT IS FURTHER ORDERED** that the ADR conferences shall be concluded before January 31, 2011.

  
\_\_\_\_\_  
**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 15th day of December, 2010.