

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ANAKA HUNTER,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:12-CV-4 ERW
)	
CITY OF SALEM, MISSOURI, et al.,)	
)	
Defendants.)	

CONSENT MOTION FOR EXTENSION OF TIME TO COMPLETE MEDIATION

Comes now Plaintiff, with consent of Defendants, and moves this Court for entry of an order extending from January 4, 2013, through March 29, 2013, the time to complete mediation in this case. In support, Plaintiff states:

1. On November 2, 2012, this Court entered its order referring this case to alternative dispute resolution. Doc. # 40.
2. This Court appointed one of Plaintiff’s attorneys, Anthony E. Rothert, as lead counsel responsible for working with the parties and the neutral to coordinate ADR.
3. One of the responsibilities of lead counsel is to “[n]ot later than **December 7, 2012,**” notify the clerk of the agreed choice of neutral selected by the parties and the date, time, and place of the initial ADR conference.
4. On November 13, 2012, Plaintiff’s counsel proposed to Defendants’ counsel four possible neutrals to conduct mediation in this case. Receiving no response, Plaintiff’s counsel discussed the issue with Defendants’ counsel during a telephone call on November 18, 2012. On December 6, 2012, inquired by email about the status of a response. Because Plaintiff’s counsel

did not receive a response, a two-week extension to designate a neutral was requested (Doc. # 45) and granted (Doc. # 46).

5. On December 17, 2012, Plaintiff's counsel contacted Defendants' counsel by telephone and left a message asking if they had decided upon a mediator. On December 18, 2012, Defendants' counsel wrote back to indicate that they would agree to Richard Sher as the mediator in this case.

6. Plaintiff's counsel contact Mr. Sher's officer to obtain available date for mediation. Mr. Sher's office advised that no dates are available until March, but provided several available dates during the month of March. Plaintiffs' counsel provided the available dates to Defendants' attorney on December 20, 2012.

7. On December 21, 2012, one of Plaintiff's attorneys spoke to one of Defendants' attorneys, who advised that he could not yet agree to a specific date for mediation with Mr. Sher.

8. Because it will not be possible to complete mediation with the parties' chosen mediation by January 4, 2013, Plaintiff requests an extension of the deadline to complete ADR through March 29, 2013.

9. Counsel for Defendants indicate they consent to this request.

WHEREFORE Plaintiff respectfully requests this Court enter an order extending from January 4, 2012, through March 29, 2012, the time for the parties to complete mediation.

Respectfully submitted,

/s/ Anthony E. Rothert
ANTHONY E. ROTHERT, #44827MO
GRANT R. DOTY, #60788MO
AMERICAN CIVIL LIBERTIES UNION OF
EASTERN MISSOURI
454 Whittier Street
St. Louis, Missouri 63108
(314) 652-3114

FAX: (314) 652-3112
tony@aclu-em.org
grant@aclu-em.org

DANIEL MACH
AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
915 15th Street NW
Washington, DC 20005
(202) 675-2330
FAX: (202) 546-0738
dmach@aclu.org
dmach@dcaclu.org

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and a copy was made available electronically to all electronic filing participants.

/s/ Anthony E. Rothert