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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

KIRK and AMY HENRY,)	2:08-CV-00635-PMP-GWF
)	
Plaintiffs,)	<u>ORDER</u>
)	
vs.)	
)	
FREDRICK RIZZOLO aka)	
RICK RIZZOLO, an individual,)	
LISA RIZZOLO, an individual,)	
THE RICK AND LISA RIZZOLO)	
FAMILY TRUST,)	
)	
Defendants.)	
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Presently before the Court is Plaintiffs' request that the upcoming settlement conference be reassigned to a different magistrate judge as set forth in the attached letter from Donald J. Campbell, Esq., counsel for Plaintiffs. Having read and considered the attached letter, and good cause appearing,

IT IS ORDERED that Plaintiffs' request that the settlement conference be reassigned to a different magistrate judge is hereby DENIED. Magistrate Judge Foley has presided over the entire pre-trial discovery process and is familiar with the facts of the case and legal issues raised. Only one non-dispositive motion remains to be adjudicated, and that motion is set for hearing before Judge Foley prior to the January 25, 2013, settlement

1 conference. Moreover, trial is set for March 26, 2013. Reassignment of this case for the
2 settlement conference would require a new magistrate judge to become familiar with the
3 details of this case and to attempt to reschedule the settlement conference, potentially
4 causing further delay in commencement of the trial.

5 IT IS THEREFORE ORDERED that the settlement conference shall proceed on
6 January 25, 2013, at 9:00 a.m. before Magistrate Judge Foley as previously ordered by the
7 Court (Doc. #667).

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9 DATED: December 21, 2012

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12 PHILIP M. PRO
13 United States District Judge
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CAMPBELL
& WILLIAMS
ATTORNEYS AT LAW

December 20, 2012

VIA FACSIMILE (702) 464-5511

Chambers of the Honorable Judge Philip M. Pro
United States District Court for the District of Nevada
333 S. Las Vegas Blvd.
Las Vegas, NV 89101

Re: *Henry v. Rizzolo, Case No: 2:08-cv-00635-PMP-GWF*

Dear Judge Pro:

On October 15, 2012, His Honor referred the abovementioned matter to Magistrate Judge Foley to conduct a settlement conference. In turn, Magistrate Judge Foley—the sitting Magistrate on this proceeding—scheduled a settlement conference for January 25, 2013.

In light of the long history and complexity of the instant action, Plaintiffs respectfully request that the settlement conference be assigned to a different Magistrate. Magistrate Judge Foley has resolved numerous matters throughout the course of this proceeding and may be called upon to do so in the future. His extensive knowledge of the difficult facts and issues that are unique to this case will be invaluable. Reassignment would preserve Magistrate Judge Foley's involvement in this matter by removing the need for recusal after the settlement conference. We thank His Honor for his consideration of this matter.

Very truly yours,

CAMPBELL & WILLIAMS

Donald J. Campbell, Esq.

cc: Chambers of Magistrate Judge Foley, *via facsimile*
C. Stanley Hunterton, *via facsimile*
Mark Bailus, Esq., *via facsimile*
Sigal Chattah, Esq., *via facsimile*

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