UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

TARZ MITCHELL, Plaintiff(s), vs. GREG COX, et al., Defendant(s).	)	Case No. 2:12-cv-00499-RFB-NJK ORDER (Docket No. 96)

Pending before the Court is a motion to excuse various defendants from appearing at the settlement conference set in this case in three days, on May 20, 2016, Docket No. 96, which is hereby **DENIED**. The crux of the motion is that defendants believe that they may be dismissed from this case based on statements made from the bench by United States District Judge Richard F. Boulware II during a hearing on the pending motion for summary judgment. *See id.* Given the circumstances, the Court will **CONTINUE** the settlement conference until August 25, 2016, at 9:30 a.m. The parties shall submit supplemental settlement statements to chambers no later than August 11, 2016. Moreover, in the event a written decision on the pending motion for summary judgment has not issued by August 11, 2016, Defendants may file a further request to continue the settlement conference. **Defense counsel shall immediately contact both Plaintiff and the prison officials coordinating Plaintiff's appearance at the settlement conference regarding this order.**

Lastly, defense counsel, Frank Toddre, represents that he has contacted the undersigned's staff on several occasions regarding the timing of the issuance of a written decision on Defendants' pending

motion for summary judgment. *See id.* at 2. Attorneys are not permitted to contact the undersigned's staff regarding the timing of the Court's issuance of a decision. If an attorney seeks to inform the Court that an order has not been issued, he must send a letter in compliance with the requirements outlined in Local Rule IA 7-1(a). An attorney is otherwise prohibited from sending written communication or telephoning the Court regarding the pendency of a motion. *See, e.g.*, Local Rules IA 7-1(b), 7-2(b). If an attorney believes the continued pendency of a motion impacts an upcoming proceeding in a way that requires relief, the proper course is to file a request on the docket explaining that circumstance and requesting relief.

IT IS SO ORDERED.

DATED: May 17, 2016

Nancy J. Koppe
United States Magistrate Judge