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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 SUSAN MARIE BANKOSZ,)

9 Plaintiff,)

Case No. 2:12-cv-01502-JCM-PAL

10 vs.)

ORDER

11 BIG DADDY'S ICHABOD'S 1, INC., et al.,)

(Reqst for ENE - Dkt. #19)

12 Defendants.)
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14 Before the court is Defendant's Request for Referral to Early Neutral Evaluation Session (Dkt.
15 #19) filed December 13, 2012.


16 The Complaint (Dkt. #1) in this matter was filed August 23, 2012, and alleges violation of
17 FLSA, defamation, intentional infliction of emotional distress, breach of contract, quantum meruit,
18 FMLA interference, and FMLA retaliation. Defendants filed an Answer (Dkt. #8) and a Motion to
19 Dismiss (Dkt. #7) on September 20, 2012. The motion to dismiss is fully briefed and is pending a
20 ruling from the district judge.

21 On November 20, 2012, the undersigned conducted a scheduling conference to discuss the
22 parties' proposed Discovery Plan and Scheduling Order (Dkt. #14). During the hearing, defense
23 counsel informed the court that they were exploring a potential resolution of this case prior to engaging
24 in substantial discovery. The undersigned encouraged counsel to explore settlement, but also advised
25 counsel not to delay for too long as the court would be granting the parties' discovery plan and
26 scheduling order, and any extension sought would be strongly scrutinized for due diligence and good
27 cause. The court then granted the parties Discovery Plan and Scheduling Order (Dkt. #18) November
28 26, 2012.

1 Defendants' request is very simple in that it requests that the matter be referred to the ENE
2 program pursuant to LR 16-6. A review of the docket indicates the civil cover sheet filed with the
3 complaint describes this action as a Labor dispute under the Fair Standards Act which explains why the
4 case was not automatically referred to the ENE program. As the complaint alleges other employment
5 claims, including violations of the FMLA, the request will be granted.

6 **IT IS ORDERED** that Defendants' Request for Referral to Early Neutral Evaluation Session
7 (Dkt. #19) is **GRANTED**. The clerk of court shall assign this case to the ENE Program.

8 Dated this 17th day of December, 2012.

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11 Peggy A. Jee
12 United States Magistrate Judge
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