

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**ERIK KHAN,**  
**Plaintiff,**

v.

**No. 15-cv-1151 MV/SMV**

**CHRIS BARELA, BOARD OF COUNTY  
COMMISSIONERS OF DOÑA ANA COUNTY,  
ARAMARK CORPORATION,  
BILL STICKLES, and DAVID BEAM,**

**Defendants.<sup>1</sup>**

**ORDER ON MOTION TO VACATE ADR ORDER**

THIS MATTER is before the Court on Plaintiff's Notice of Pending Resolution and Motion to Vacate ADR Order (the "Motion"), filed on January 31, 2022. [Doc. 162]. Plaintiff reports that he "and the remaining parties [Defendants Chris Barela and the Board of County Commissioners of Doña Ana County] have entered into a preliminary settlement agreement." *Id.* He asks the Court to vacate its order contemplating the setting of a settlement conference. *Id.* (referring to the settlement-conference order as an "ADR Order"). The Court, having considered the Motion and the record, and being otherwise fully advised in the premises, finds that the motion is well-taken. The Motion will be granted.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that Plaintiff's Notice of Pending Resolution and Motion to Vacate ADR Order [Doc. 162] is **GRANTED**.

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<sup>1</sup> This caption reflects the Defendants listed in the Third Amended Complaint, except that Plaintiff substituted Defendant David Beam for the John Doe Defendant on June 24, 2020. [Docs. 100, 109]. Moreover, Defendants Bill Stickle and David Beam were dismissed as parties on November 6, 2020. [Doc. 133], and Defendant Aramark was dismissed as a party on December 9, 2021. [Doc. 160].

**IT IS FURTHER ORDERED** that the Court's order for a settlement conference [Doc. 156] is **VACATED** without prejudice to the parties filing a renewed motion for a settlement conference if they choose.

**IT IS FURTHER ORDERED** that briefing on the *Martinez* Reports [Docs. 154, 155] remains **STAYED** pending further order of this Court.

**IT IS FURTHER ORDERED** that the telephonic status conference set for February 9, 2022, at 11:30 a.m. MST is **VACATED**.

**IT IS SO ORDERED.**



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**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**