

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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DAVID A. TROPP,

Plaintiff,

MEMORANDUM AND ORDER

-against-

08-CV-4446 (ENV)

CONAIR CORP., et al.,

Defendants.

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ROANNE L. MANN, UNITED STATES MAGISTRATE JUDGE:

Counsel for a number of defendants in this case has requested that the April 16th settlement conference be postponed on the ground that a recent decision of the International Trade Commission (“ITC”) “strongly supports a summary disposition in favor of each defendant in this case” Letter to the Court from William L. Prickett (March 26, 2010) at 2, ECF Docket Entry (“D.E.”) #172. However, the pending motion for summary judgment in the instant action is unrelated to the issues addressed in the ITC decision. Therefore, the defense request to postpone the conference on that ground is denied.

Nevertheless, other recent developments in this case make clear that a settlement conference at this point in time would be premature. In particular, plaintiff Tropp has filed a motion to compel against most of the defendants, who reportedly have yet to provide any discovery in this case. The defense response to the motion is not due until April 15, 2010. Under these circumstances, it does not make sense to proceed with the settlement conference until the discovery disputes have been resolved and defendants have made the requisite

disclosures. Accordingly, Friday's settlement conference is adjourned *sine die*. The request of certain defendants to appear by telephone at the conference¹ is denied as moot.

Finally, the parties apparently have not agreed on a stipulated proposed confidentiality order, and this dispute has been impeding discovery. The parties are directed to confer in good faith and, by April 19, 2010, to file via ECF a confidentiality agreement to be so-ordered by the Court or, if counsel are unable to reach agreement, each party's proposed confidentiality order and an explanation as to why the Court should approve that order as opposed to opposing counsel's proposal.

SO ORDERED.

**Dated: Brooklyn, New York
April 13, 2010**

**ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE**

¹ See Letter to the Court from William L. Prickett (April 12, 2010), D.E. #178.