

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 JOSHUA ROSNER, :
 :
 Plaintiff, :
 :
 -v- :
 :
 UNITED STATES OF AMERICA, :
 :
 Defendant. :
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ORDER

16-CV-7256 (JGK) (JLC)

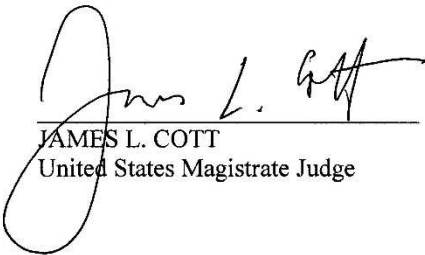
JAMES L. COTT, United States Magistrate Judge.

Following the issuance of the Second Circuit’s mandate, the parties have now both sent letters to the Court dated July 24, 2020. Dkt. Nos. 156 and 157. Plaintiff has requested that discovery remain stayed and a settlement conference or mediation be scheduled, and the Government has consented to this request, with a further request that any settlement efforts be scheduled in October 2020 due to counsel for the Government’s paternity leave. The Court is amenable to maintaining the discovery stay and proceeding with a settlement conference this fall, although it is concerned that it may be premature if, as the Government suggests in its letter, “[f]urther discovery may also inform the Government’s ultimate settlement position.” **The Court, therefore, will maintain the discovery stay and schedule a settlement conference in October 2020** (A separate order to that effect will be issued with additional details about the settlement conference). However, the Court does not want to hold a settlement conference in October only to find that the parties need additional information

before they can solidify their respective positions on settlement. **Accordingly, no later than 14 days before the conference, the parties are directed to file on the docket a letter reconfirming their desire to proceed with the conference because they believe, with the Court's assistance, there may be a realistic chance of settlement.** At that point, plaintiff will be required to have made a settlement demand (if he had not done so already), and the Government will be better able to evaluate its own settlement position. What the Court wants to avoid is either plaintiff or the Government coming to the settlement conference and reporting to the Court that additional information through discovery is needed before meaningful settlement discussions may take place. If that were the case, then the settlement conference would need to be adjourned, the stay lifted, and discovery proceed before a settlement conference were to take place.

SO ORDERED.

Dated: New York, New York
July 28, 2020



JAMES L. COTT
United States Magistrate Judge