

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:13-CV-00810-F

ROSSEL O. ALFARO ZELAYA, *a/k/a Rossel*)
Sandoval, EDWARD HERNANDEZ, and)
SALVADOR MONTOYA, *on behalf of themselves*)
and all other similarly situated,)

Plaintiffs,)

v.)

A+ TIRES, BRAKES, LUBES, AND)
MUFFLERS, INC., FLORES WELDING, INC.,)
JULIO FLORES, and MARIELLE BELHASSEN,)

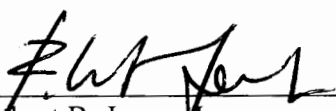
Defendants.)

ORDER

This matter comes before the court on Plaintiffs' Motion to Abate Mediation Deadline [DE-123], to which Defendant has responded [DE-124]. Plaintiffs believe mediation would be futile and an unnecessary expenditure of time and money based on their communications with Defendants. [DE-123] at 1-3. Defendants respond that while they agree settlement is currently unlikely, it may be premature to abate the mediation requirement because further discovery may change the parties' positions. [DE-124] at 1-2. The court agrees with Defendants. Cases often settle at mediation despite seemingly intractable positions by one or both sides, and continuing the deadline rather than abating it will allow the parties to conduct further discovery and make better informed decisions regarding the prospect of settlement. Discovery in this case is scheduled to conclude on October 10, 2016, and the parties shall conduct mediation prior to the close of discovery. Accordingly, the motion is DENIED WITHOUT PREJUDICE and mediation shall be concluded no later than October

10, 2016.

SO ORDERED, the 25th day of July 2016.



Robert B. Jones, Jr.
United States Magistrate Judge