

**IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:14 CV 221**

MARK ANTHONY HUDSON, )  
 )  
Plaintiff )  
 )  
v )  
 )  
CSX TRANSPORTATION, INC., )  
 )  
Defendant. )

**ORDER**

**THIS MATTER** is before the undersigned pursuant to a Report Regarding Parties’ Inability to Agree on Selection of Mediator (#13) filed by counsel for the Defendant.

On October 23, 2014, the undersigned entered a Pretrial Order and Case Management Plan (#12) in this matter. In the Pretrial Order and Case Management Plan, it was directed that “within twenty-one (21) days from the entry of this Order the parties shall select and agree upon a mediator and shall file with the Court a report stating the identity of the mediator selected. If the parties are unable to agree upon a mediator they shall, within twenty-one (21) days of the entry of this Order, file with the Court a report stating that they have been unable to agree upon a mediator and the reasons for such inability.” (#12, p. 7) In the report, the Defendant states that counsel for Defendant did, on Monday, November 10, 2014,

attempt to contact Plaintiff's counsel by email in regard to the selection of a mediator and counsel for Plaintiff did not respond to the email. It is further reported that on Thursday, November 13, 2014 counsel for Defendant made a telephone call to counsel for the Plaintiff regarding the issue of selection of a mediator and Plaintiff's counsel has, as of November 13, 2014, failed to return the telephone call. Counsel for Plaintiff proposes that Melinda M. Evans be appointed as mediator in this matter. As a result of the actions of counsel for the Plaintiff, the undersigned finds that good cause has been shown for the Court to appoint Melinda M. Evans as mediator in this matter.

**ORDER**

**IT IS, THEREFORE, ORDERED** that **Melinda M. Evans** be appointed as **mediator** in this matter.

Signed: November 18, 2014

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Dennis L. Howell  
United States Magistrate Judge

