

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Alfonso Gonzalez,	:	
Plaintiff	:	Civil Action 2:11-cv-0137
v.	:	Judge Marbley
Hostetler Trucking, Inc.,	:	Magistrate Judge Abel
Defendant	:	

### Order Cancelling Settlement Week Mediation

On April 9, 2012, counsel for the parties participated in a telephone conference with the Magistrate Judge.

While this lawsuit was pending, Mr. Gonzalez was charged by the grand jury for the Madison County Common Pleas Court with two counts of drug trafficking. He failed to appear for trial, and an arrest warrant issued. A few days before his scheduled deposition, Gonzalez was involved in an automobile accident and hospitalized. While hospitalized, he was arrested. Subsequently, he pleaded guilty to a felony crime; and on March 29, 2012, he was sentenced to 22 months incarceration. He is currently incarcerated at the Correctional Reception Center at Orient. <http://www.drc.ohio.gov/OffenderSearch/Search.aspx>

Plaintiff's counsel has attempted to communicate with his client since our March 9 conference but has been unable to do so directly. He believes Mr. Gonzalez may be transferred to a new prison within the next month. To depose a prisoner, a party must first seek leave of court. Rule 30(a)(2)(B), Fed. R. Civ. P.

Discovery. Plaintiff has completed his discovery. Defendant needs to depose Mr.

Gonzalez and take any additional discovery suggested by his testimony.

Status Report Due. Counsel are DIRECTED to call my office (614.719.3370) on or before **May 21, 2012** to schedule another telephone conference to discuss case scheduling.

s/Mark R. Abel  
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United States Magistrate Judge