

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JOHN VALENTE,

Plaintiff,

:

Case No. 3:08-cv-225

-vs-

:

Magistrate Judge Michael R. Merz

UNIVERSITY OF DAYTON,

Defendant.

**ORDER VACATING STAY OF PROCEEDINGS AND SETTING SCHEDULING
CONFERENCE**

On December 19, 2008, the Court stayed all further proceedings in this case pending decision by the Sixth Circuit on Plaintiff's Petition for Writ of Mandamus to compel the undersigned to recuse himself in this matter. (Sixth Circuit Case No. 08-4707). At 4:24 p.m.¹ on this date, the Sixth Circuit electronically notified this Court that it had denied the Petition. Accordingly, the stay is VACATED.

This case is hereby set for scheduling conference by telephone at 9:30 a.m. on Monday, May 18, 2009. Not later than Thursday, May 14, 2009, the parties shall file an amended report complying with Fed. R. Civ. P. 26(f).

April 30, 2009.

s/ **Michael R. Merz**
United States Magistrate Judge

¹The Court notes the time because at 11:18 A.M. this date, the Court filed an Order vacating the trial date which recited that the mandamus petition was still pending.