

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

JOHN T. VALENTE,

Plaintiff,

:

Case No. 3:08-cv-225

-vs-

:

Magistrate Judge Michael R. Merz

UNIVERSITY OF DAYTON,

Defendant.

ORDER REGARDING DISCOVERY DISPUTE

This case is before the Court on Plaintiff's email request for a discovery conference, received in the Court's MIDB email box between June 3 and June 5, 2009.¹ It appears from the most recent email (from Plaintiff dated June 5, 2009) that the request for conference has been withdrawn.

While in many situations an informal conference can resolved discovery disputes, the Court believes it is inappropriate to proceed in that manner in this case. Written or email correspondence with the Court bears the risk of being perceived as *ex parte* communication and also is not docketed. In a case such as this where one of the parties has accused the Court of a disqualifying bias in favor of the other party and indeed has pursued that matter by way of mandamus, it seems most appropriate to proceed with careful, recorded formality.

Accordingly, it is hereby ordered that the parties not communicate with the Court by way of correspondence, either electronic or otherwise. Any request for court action should be by motion. Fed. R. Civ. P. 7. In any truly emergency situation, a party may contact Judicial Assistant Kelly

¹The mailbox was not checked until June 10, 2009, because the Court's judicial assistant has been recovering from surgery.

Kopf who will arrange a prompt hearing on the record.

June 10, 2009.

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