

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

JOHN BAUER, et al.,

Plaintiff,

:

Case No. 3:09-cv-194

-vs-

District Judge Walter Herbert Rice
Magistrate Judge Michael R. Merz

:

SUKHVINDER SINGH, et al.,

Defendant.

MEDIATOR’S REPORT

This case came on for telephone scheduling conference at 3:00 p.m. on Friday, February 19, 2010. One of the parties advised the Magistrate Judge that, in light of the fact that this case was referred to the Magistrate Judge for pre-trial management (Preliminary Pretrial Conference Order, Doc. No. 15, ¶ 27), that party did not feel comfortable having the Magistrate Judge be the case mediator and accordingly there was not unanimous consent of the parties to the reference, as stated in the Order of Reference for mediation (Doc. No. 27). Although there have been no discovery disputes in the case as yet, the Magistrate Judge was advised during the call that such a discovery dispute is nearly ripe and will be presented to the Magistrate Judge for resolution in the near future; the discovery dispute precludes, in the mind of one of the parties’ counsel, proceeding with mediation until the dispute has been resolved.

Under these circumstances, mediation being a voluntary process, the undersigned cannot proceed with the mediation and respectfully requests that it be referred for mediation to another mediator.

February 19, 2010.

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