

**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.,

Defendants.

ORDER VACATING STAY OF PROCEEDINGS AND FOR BRIEFING

On oral report from Mediator Robert Kaiser that negotiations have reached an impasse, it is hereby ordered that the stay of proceedings pending mediation be, and it hereby is, vacated.

Initially, Judge Rice referred this matter to the undersigned for mediation. During a scheduling conference on February 19, 2010, the parties advised the Magistrate Judge that there was an impending discovery dispute which would require court resolution. It was for this reason that the mediation was re-directed to Mr. Kaiser. With the unsuccessful conclusion of mediation efforts, the Magistrate Judge notes that the discovery cut-off is presently set for May 4, 2010.

It is accordingly ordered:

1. The parties shall frame the discovery dispute and present it by motion for resolution not later than May 1, 2010.
2. Also by May 1, 2010, the parties shall prepare an amended Fed. R. Civ. P. 26(f) report. Once that report is filed, Judge Rice will set a new scheduling conference.

April 21, 2010.

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