

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

TERESA L. O'MALLEY,

Plaintiff,

vs.

NAPHCARE INC.,

Defendant.

Case No. 3:12-cv-326

District Judge Walter H. Rice  
Magistrate Judge Michael J. Newman

---

**ORDER**

---

This civil case came before the undersigned for a status conference by telephone on December 29, 2015 at 10:00 a.m. Attorneys Adam Anderson and Dennis Moskal participated on behalf of Plaintiff.<sup>1</sup> Attorneys Caroline DiMauro and Jamie Goetz-Anderson participated on behalf of Defendant. The parties informed the Court that they mediated this dispute on December 21, 2015 with a private mediator and now disagree as to whether a binding settlement agreement was reached.

The Court **ORDERS** that: (1) counsel for the parties confer civilly<sup>2</sup> and informally to resolve the dispute; (2) if that effort is unsuccessful, Defendant file a motion to enforce the settlement agreement on or before **December 31, 2015 at 5:00 p.m.**; (3) Plaintiff file any memorandum in opposition to Defendant's motion on or before **January 5, 2016 at 5:00 p.m.**; and (4) counsel and the parties appear in-person for a hearing on the motion to enforce the

---

<sup>1</sup> Attorneys Anderson and Moskal informed the Court that Plaintiff may wish to terminate their services and that a motion to withdraw as counsel may be forthcoming. Although Plaintiff may wish to terminate her attorneys, and the attorneys may wish to withdraw, attorneys Anderson and Moskal remain counsel of record for Plaintiff until such time as the Court grants them permission to withdraw from such representation.

<sup>2</sup> See the INTRODUCTORY STATEMENT ON CIVILITY set forth in the Local Rules of this Court.

settlement agreement on **January 6, 2016 at 10:00 a.m. in Courtroom 4 in the Federal Building, 200 West Second Street, Dayton, Ohio, 45402.** The Court reiterates its **ORDER** -- rendered on the December 29, 2015 conference call -- that Plaintiff and a representative of Defendant attend the hearing in-person on January 6, 2016. Service of this Order to counsel of record through the Court's electronic filing system is deemed service on the parties themselves. *See* Fed. R. Civ. P. 5(b).

The parties are **ADVISED** that failure to appear in-person for the hearing on January 6, 2016 may result in sanctions, including finding the motion to enforce unopposed or withdrawn.

**IT IS SO ORDERED.**

Date: December 30, 2015

*s/ Michael J. Newman*  
Michael J. Newman  
United States Magistrate Judge