

In a recent letter to all counsel of record, this court requested simultaneous supplemental briefing on or before September 8, 2011, regarding the pending class certification motion. Specifically, the court sought input from the parties as to the perceived legislative intent of “assignment” and “authorization to pay” in the context of an insurance contract.

Counsel for the plaintiff and defendant First National have requested, in a letter filed August 19, 2011, that the deadline to submit the supplemental briefs on the class certification issue be extended until October 24, 2011 and that all pending deadlines in the current scheduling order be suspended to allow the parties to mediate this action. Counsel informs the court that the parties have agreed to mediate this case on October 4, 2011 before Tom Wills.

This case was filed in June 2009 and the current scheduling order in this case (ECF No. 171) has been amended five times. The only remaining scheduling order deadlines are for the filing of dispositive motions (within 30 days of the court’s ruling on all certification motions) and trial. In addition, this court previously granted a stay of all deadlines in September 2010 so that the parties could determine if an alternate resolution to this action could be reached.

Although this case has been pending for more than two years, the court will allow the suspension of all deadlines in this case so that the parties may pursue mediation. The complexity of the claims asserted in this civil action and the near certainty of an appeal make

this case a good candidate for a compromise resolution of the issues. The parties are directed to advise this court of the outcome of the mediation as soon as possible upon completion.

If the case is not resolved at mediation on October 4, 2011, the parties' supplemental briefs shall be due on or before October 24, 2011. Upon the court's ruling on the motion for class certification, the court will issue an amended scheduling order resetting the deadlines for filing dispositive motions and for trial.

IT IS SO ORDERED.

August 22, 2011
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge