

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

KAREN DAVISON,

Plaintiff,

v.

PLANO INDEPENDENT SCHOOL
DISTRICT

Defendant.

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Case No. 4:08-CV-00247

**MEMORANDUM ADOPTING IN PART THE REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On August 25, 2009, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that the settlement agreement in this matter be set aside.

The court, having made a *de novo* review of the objections raised by Defendant and Plaintiff's response, hereby adopts in part the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court. The court finds that any irregularity in the mediation process was the result of Plaintiff's behavior and her unusual relationship with her attorney, including her failure to interact with her own attorney during the mediation. The mediator was apparently faced with a difficult situation and did his best under the circumstances.

The court agrees with the magistrate judge that the relationship between Plaintiff and her counsel during the mediation was bizarre. The court is of the opinion that, to the extent that Plaintiff

was placed under any duress or that she occupied an unequal bargaining position, it was solely the result of her own dysfunctional relationship with her lawyer and not the result of anything done by Defendant, Defendant's counsel, or the mediator. The court adopts that portion of the magistrate judge's report and recommendation that recommends that the mediated settlement be set aside. Therefore, the settlement agreement in this matter is ORDERED set aside.

IT IS SO ORDERED.

SIGNED this the 12th day of November, 2009.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE