

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH – SOUTHERN DIVISION

<p>SEVEN CONTINENTS GLOBAL EXPEDITIONARY OPERATIONS, LLC, a Delaware limited liability company; and TOMMY L. ALLEN, a Utah resident;</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">vs.</p> <p>STEAPHAN WEIR, a California resident; JANE AND JOHN DOES 1-10; and DOE BUSINESS ENTITIES 1-10;</p> <p style="text-align: center;">Defendants.</p> <hr/> <p>STEAPHAN WEIR, an individual,</p> <p style="text-align: center;">Cross-Claimant,</p> <p style="text-align: center;">vs.</p> <p>SEVEN CONTINENTS GLOBAL EXPEDITIONARY OPERATIONS, LLC, a Delaware limited liability company; and TOMMY L. ALLEN, an individual; and ROES 1 through 25, inclusive.</p> <p style="text-align: center;">Cross-Defendants</p>	<p>MEMORANDUM DECISION AND ORDER DENYING PLAINTFFS’ MOTION TO COMPEL MEDIATION</p> <p>Case No.: 4:23-cv-00005</p> <p>District Judge David Nuffer</p> <p>Magistrate Judge Paul Kohler</p>
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This matter is before the Court on Plaintiffs’ Motion to Compel Mediation.¹ Whether to compel mediation is within the district court’s discretion.² The Court “has authorization by local rule and [its] inherent authority to order mediation as a way of managing the litigation before

¹ Docket No. 31, filed December 11, 2023.

² See *Pierce v. Underwood*, 487 U.S. 552, 559 n.1 (1988).

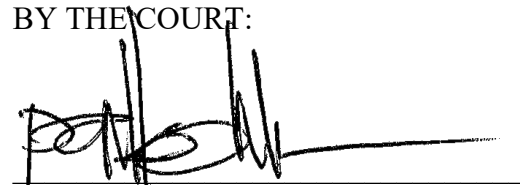
it.”³ “Of course, a district court’s inherent powers are not infinite.”⁴ Inherent powers must be used in a way reasonably suited to the enhancement of the Court’s processes; exercised in a manner that comports with applicable statutes, rules, and procedural fairness; and used with restraint and discretion.⁵ When mediation is forced upon unwilling litigants, it stands to reason that the likelihood of settlement is diminished.⁶ Requiring parties to invest substantial amounts of time and money in mediation under such circumstances may well be inefficient.⁷

Given the procedural posture of this case, including the recent withdrawal of counsel for Defendant Weir, the Court finds that mediation will not be beneficial at this time. It is therefore

ORDERED that Plaintiffs’ Motion to Compel Mediation (Docket No. 31) is DENIED WITHOUT PREJUDICE.

DATED this 11th day of March, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Paul Kohler", written over a horizontal line.

PAUL KOHLER
United States Magistrate Judge

³ *United States v. Ridley’s Family Mkts., Inc.*, 525 F. Supp. 3d 1355, 1357 (D. Utah. 2021); *see also In re Alt. Pipe Corp.*, 304 F.3d 135, 143 (1st Cir. 2002).

⁴ *In re Alt. Pipe Corp.*, 304 F.3d at 143.

⁵ *Id.*

⁶ *Ridley’s Family Mkts.*, 525 F. Supp. at 1357–58.

⁷ *Id.* at 1358.