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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ROLANDO HERNANDEZ,  
  
Plaintiff,  
  
v.  
  
CITY OF VANCOUVER and MARK  
TANNINEN,  
  
Defendants.

CASE NO. C04-5539 BHS  
  
ORDER GRANTING  
PLAINTIFF'S MOTION AND  
AWARDING FEES

This matter comes before the Court on Plaintiff Rolando Hernandez's ("Hernandez") motion for relief from order setting mediation (Dkt. 464).

On May 9, 2014, the parties filed a stipulated motion to extend the post-trial motion deadline because the parties were going to attempt post-trial alternative dispute resolution. Dkt. 452. On May 12, 2014, the Court entered an order granting the stipulated extension. Dkt. 453. On June 12, 2014, Hernandez filed a motion for relief from the Court's order because, based on Defendants' initial settlement offer, Hernandez

1 has chosen not to participate in alternative dispute resolution. Dkt. 464. On June 19,  
2 2014, Defendants responded. Dkt. 467. On June 27, 2014, Hernandez replied. Dkt. 469.

3 If Hernandez declines to constructively participate in alternative dispute  
4 resolution, then the Court is unable to force him to do so. Therefore, the Court **GRANTS**  
5 Hernandez's motion and the relevant deadline for post-trial motions shall be 28 days  
6 from the date of this order. Moreover, Hernandez shall be responsible for all reasonable  
7 fees incurred in preparation for post-trial mediation. Although Hernandez casts blame on  
8 Defendants for the failed mediation, that mediation will never transpire because Plaintiff  
9 now refuses to participate. Defendants may submit a cost bill to the Court for any  
10 expenses they have incurred as a result of the attempted post-trial mediation.

11 **IT IS SO ORDERED.**

12 Dated this 7th day of July, 2014.

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15 BENJAMIN H. SETTLE  
16 United States District Judge  
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