

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**SUSAN HAYWOOD,**

**Plaintiff,**

**CIVIL ACTION NO. 2:05-CV-78**

**vs.**

**USA CYCLING, INC, a  
non-resident corporation,**

**Defendant.**

**ORDER**

This matter came on for mediation on Thursday, January 17, 2008, pursuant to prior Order of this Court. The Plaintiff appeared in person and with her counsel, John W. Cooper, of Cooper & Preston, PLLC, and James C. Wright of Steptoe & Johnson, PLLC. The Defendant appeared by its Chief Financial Officer Todd Sowls, and its counsel, William A. Kolibash of Phillips Gardill Kaiser and Altmeyer, PLLC. Also, an attorney, Ellen Sullivan, Claim Litigation Analyst for AUSCO, the Defendant's insurance carrier appeared.

Thereupon, the Court called this matter on for hearing and directed the parties to resume mediation before Daniel O. Callaghan, Esq., an experienced and long serving mediator in this Court. The parties resumed mediation for more than 3 hours and returned to the Court at which time the mediator advised the Court that the likelihood of settling the case at this mediation would not be fruitful because the parties were far apart in their demands and offers. The Court was further advised by the mediator and the parties that this matter should be set for jury trial. Prior to trial, there remains for decision by the Court, Plaintiff's Motion for Partial Summary Judgment. The Court thereupon expressed its appreciation to the mediator for his volunteer service in this case.

The Court inquired of counsel as to the anticipated length of the jury trial and the parties advised the Court that the case should not take more than 2 to 3 days. The Court indicated it would consider the pending Motion for Partial Summary Judgment and would set the matter for trial. The Court thereupon continued this matter generally.

Enter this 31 day of January, 2008

Robert E. Maxwell  
Robert E. Maxwell, United States District Judge

Approved for Entry:

John W. Cooper by WAK per authorization 1/29/08 email  
John W. Cooper

James C. Wright by WAK per authorization 1/29/08 email  
James C. Wright  
Counsel for Plaintiff, Susan Haywood

William A. Kolibash  
William A. Kolibash  
Counsel for Defendant, USA Cycling