

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

FILED
DEC 21 2007

U.S. DISTRICT COURT
WHEELING, WV 26003

MICHAEL ARTHUR MOLINA,

Plaintiff,

v.

Civil Action No. 3:06-CV-79
(Judge Bailey)

**TERRY STANLEY, JOHN
SHERMAN, CITY OF MARTINSBURG,
TASER INTERNATIONAL, INC.,**

Defendants.

ORDER GRANTING JOINT MOTION TO MODIFY SCHEDULING ORDER

On this day, the above-styled matter came before the Court for consideration of the parties' Joint Motion to Modify Scheduling Order [Doc. 47]. After reviewing the same the Court hereby **GRANTS** the Motion to Modify Scheduling Order and **ORDERS** the following:

1. Mediation and Fed. R. Civ. P. 26(a)(3) Disclosures

Counsel and unrepresented parties shall meet to conduct **MEDIATION** in good faith no later than **February 15, 2008**. Lead trial counsel for the plaintiff shall take the initiative in scheduling the mediation; all other counsel shall cooperate in the effort to achieve a successful negotiation and settlement. Counsel and unrepresented parties must be prepared at the pretrial conference to certify that they tried in the their meeting to settle the case.

If the case is not settled at mediation, and if there is no order or stipulation to the contrary, counsel and unrepresented parties shall make all Fed. R.Civ. P. 26(a)(3) disclosures at the meeting.

2. All other scheduling dates in the Scheduling Order of February 16, 2007, shall remain in effect.

Accordingly, after review of the above, the Court finds that the motion [**Doc. 47**] should be, and is, hereby **GRANTED**, and the February 16, 2007, Scheduling Order [Doc. 24] is hereby **VACATED** only to the extent that this Order alters it. As a final matter, this

Court additionally **DENIES as moot** the Motion to Compel Discovery From Plaintiff of Defendant City of Martinsburg [**Doc. 37**].

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

DATED: December 21, 2007.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE