

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CONNIE STEELMAN,)
)
 Plaintiff,) Case No. 4:12-CV-5 (CEJ)
)
 vs.)
)
 MAROSE PROPERTIES II, LLC.,)
)
 Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on defendant's motion to vacate the referral to alternative dispute resolution or, in the alternative, to extend the period of time for conducting ADR and order that the parties share the costs.

Defendant states that plaintiff has raised a series of objections to participating in ADR. First, because of plaintiff's disability, she will not be able to attend ADR until the weather warms. Second, plaintiff has told defendant that she is unwilling to pay her portion of the ADR fees. Third, plaintiff has expressed doubts (shared by the defendant) regarding the productivity of ADR.

This matter was referred to ADR on December 17, 2012. This referral constitutes a court order requiring the parties to participate in ADR and no order compelling participation is required or forthcoming. The parties are required to participate in good faith in mediation. The Court is not persuaded that it will prove unproductive.

To accommodate plaintiff's disability, the Court will extend the deadline for completion of ADR until May 15, 2013. This extension will not alter any other deadlines

set forth in the Case Management Order nor will it affect the September 23, 2013 trial date. Because the date for completion of ADR has been moved to a month when the temperature should be warm, plaintiff will not be permitted to participate by telephone.

Finally, absent a motion from plaintiff, the Court will not consider excusing plaintiff from sharing the cost of mediation.

Accordingly,

IT IS HEREBY ORDERED that defendant's motion to vacate the ADR referral [Doc. # 38] is **DENIED**.

IT IS FURTHER ORDERED that the deadline for completion of ADR is extended to **May 15, 2013**.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 15th day of January, 2013.