

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID ROBERT BREITBACH,

Defendant.

ORDER

07-cv-399-bbc

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Before the court are defendant's motion to order mediation (dkt. 12) and motion to permit telephonic depositions (dkt. 13). Both are denied as unnecessary.

The government does not oppose defendant's deposition motion, *see* dkt. 17, so there is nothing for the court to order.

The government opposes an order to mediate, claiming that as a result of the relaxed schedule there no longer is any rush and the parties will be in a better position to negotiate after conducting additional discovery. *See* dkt. 16. These are valid points but they unnecessary to the court's decision: absent extraordinary circumstances, this court does not order parties to mediate. At most, this court requests *ex parte* settlement letters on the eve of trial. The new schedule in this case require the parties to file such letters by August 29, 2008, about five weeks before trial. If *both* sides ask the court to assist with mediation before August, then the court will do so, but this court will not force a party to the table.

Entered this 25<sup>th</sup> day of March, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge