

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BETH ANN BROWN, ET AL.)
)
v.) No. 3:00-0665
) Judge Echols
THE TENNESSEE DEPARTMENT OF)
MENTAL HEALTH AND DEVELOPMENTAL)
DISABILITIES, ET AL.)

O R D E R

Pending before the Court is Plaintiffs' "Motion for Mediation Conference with the Magistrate Judge Pursuant to Section VII of Settlement Agreement and for a Trial Date in Case an Impasse is Declared by the Magistrate" (Docket Entry No. 132), to which the Defendants have responded (Docket Entry No. 133).

The Complaint in this case was filed July 13, 2000. On May 7, 2002, the case was consolidated with People First of Tennessee v. Dr. C. Warren Neel, Civil Action No. 3:01-0272 for pretrial and discovery purposes. (See Docket Entry No. 55). A settlement conference was held in 2002 by the Magistrate Judge, but no settlement was reached. (Docket Entry No. 63). In May of 2003 the parties agreed to mediate the case, Mr. Norris was selected as mediator, and the case was administratively closed pending mediation (Docket Entry No. 105). A Stipulation of Settlements and Order of Provisional Approval of Settlement Agreements was entered on February 6, 2004 and an Agreed Order was entered approving the settlement on June 17, 2004. (Docket Entry Nos. 108, 116).

Plaintiffs in Brown now request that the Court refer their case to the Magistrate Judge for an expedited mediation conference pursuant to Section VII of the Settlement Agreement which provides

that either party may request a mediation conference with the Magistrate Judge if no agreement is reached for the third, fourth, and fifth years for expansion of enrollment and provision of services. They also seek a trial date in case they reach an impasse in mediation. Defendants believe mediation and trial are premature but they do not oppose mediation. (Docket Entry No. 133).

As this case is administratively closed, the Motion is hereby GRANTED in that the case is referred to the Magistrate Judge for expedited mediation and recommendation to the Court as to whether the case should be reopened and a trial date set. A separate Order will be entered by the Magistrate Judge setting forth the date of the hearing and any requirements of the parties prior to the hearing. The case shall remain administratively closed, and the parties shall not file any further pleadings without leave of Court.

IT IS SO ORDERED.



ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE