

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

SILVER VALLEY PARTNERS, LLC, et al.,	)	
	)	
Plaintiffs,	)	Case No. CV 06-429-N-EJL
	)	
v.	)	
	)	
RAY DE MOTTE, et al.,	)	
	)	
Defendants.	)	
_____	)	

Currently pending before the Court is a Motion to Appoint Mediator filed by Defendant Sterling Mining Company ("Defendant"). (Docket No. 53). The time for Plaintiffs to file a response brief has not yet passed, but the Court will address Defendant's Motion because it appears from the moving papers that the parties have not attempted to resolve this matter before seeking Court intervention. Defendant notes that it asked Plaintiffs' counsel if the "Honorable D. Duff McKee would be an appropriate and acceptable mediator" and, although Plaintiffs' counsel indicated they would respond the following week, they have never responded. *Motion*, p. 1 (Docket No. 53). There is no indication that defense counsel ever followed up with Plaintiffs' counsel about who should conduct the agreed-upon mediation.

For this reason, and because there are almost three months remaining in which to schedule and conduct a mediation, counsel for the parties will be required to meet and confer, either by telephone or in person, to discuss who should mediate this case and potential dates for the mediation. On or before April 20, 2007, counsel shall file a joint, written report informing

the Court of their discussions and whether an agreement has been reached. If counsel is unable to resolve the mediation issue by conferring directly with each other, then Plaintiffs' response to Defendant's Motion to Appoint Mediator shall be filed on or before April 23, 2007. After the time for Plaintiffs to file a reply brief has passed, Defendant's Motion will be decided on the briefs, without the need for oral argument.

**ORDER**

In accordance with the foregoing, IT IS HEREBY ORDERED:

1. On or before April 20, 2007, counsel for the parties shall meet and confer, either by telephone or in person, to choose a mediator for this case and select potential dates for the mediation.
2. On or before April 20, 2007, counsel shall file a joint, written report informing the Court of their discussions and whether they have agreed on a mediator.
3. Plaintiffs' response to Defendant's Motion to Appoint Mediator, if any response is necessary, shall be filed on or before April 23, 2007.



DATED: April 13, 2007.

A handwritten signature in black ink, appearing to read "Larry M. Boyle".

Honorable Larry M. Boyle  
U. S. Magistrate Judge