

January 19, 2009

Re: Roller v. Wagner, Falconer & Judd, Ltd. et al.
Court File No. 27-CV-09-22812

Dear Mr. Roller and Counsel,

The Court is in receipt of Mr. Roller's request for a discovery telephone conference and for the Court to appoint a mediator in this case.

The Court will not hold a discovery telephone conference on Defendants' Answers to Plaintiff's Interrogatories at this time. Plaintiff's Interrogatories call for Defendants to make legal conclusions, which are not within the scope of allowable discovery under Rule 26.02. Additionally, the Court will not hold a discovery telephone conference on Defendants' alleged refusal to allow Mr. Roller to depose Defendants at this time. If Defendants have not allowed Mr. Roller to depose Defendants by the expiration of the discovery deadline in this case, January 31, 2010, then the Court will entertain a request for a discovery telephone conference at that time.

Finally, the Court denies Mr. Roller's request to appoint a mediator in this case. Instead, the Court hereby lifts the requirement in section 2 of the scheduling order compelling the parties to mediate this matter. Please accept this letter in lieu of an amended scheduling order. Additionally, despite lifting the requirement in section 2 of the scheduling order, the Court nevertheless encourages the parties to continue to explore voluntary mediation.

Yours Very Truly,

Susan N. Burke
Judge of District Court

cc: All counsel and parties of record