

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

THE CITY OF BRISTOL, TENNESSEE,)

Plaintiff,)

v.)

THE CITY OF BRISTOL, VIRGINIA,)

Defendant.)

Case No.: 1:22-cv-00023-JPJ

DEFENDANT’S MOTION FOR MEDIATION

Pursuant to Western District of Virginia Local Rule 83(b), Defendant City of Bristol, Virginia requests the Court refer this case for alternative dispute resolution by a magistrate judge.

In early August 2022, on November 14, 2022, and again on December 7, 2022, Defendant requested that the parties engage in a mediated settlement conference. To date, Plaintiff’s counsel has only responded once—on November 17, 2022 stating they were reviewing the request with their client and would get back after Thanksgiving. (*See Exhibit A*, Emails between the Parties). The parties are now engaged in fact discovery: both Plaintiff and Defendant have propounded written discovery and planned depositions in the new year. Such active discovery will only serve to drive up legal costs borne by both parties, meaning costs that are already substantial will become ever more so.

Defendant believes this matter may be resolved through mediation with a magistrate judge serving as a neutral arbitrator. Therefore, it unilaterally seeks referral from the Court at this time.

Dated: December 12, 2022

Respectfully submitted,

THE CITY OF BRISTOL, VIRGINIA

/s/ Christian E. Henneke

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CERTIFICATE OF SERVICE

I hereby certify that on December 12, 2022, I caused the foregoing to be filed with the Clerk of the U.S. District Court for the Western District of Virginia using the Court's CM/ECF system, which will electronically serve copies of the same on counsel for all parties.

/s/ Christian E. Henneke

Counsel for Defendant, The City of Bristol, Virginia