

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

ELLA LAWRENCE,

Plaintiff,

2006-CV-0045

v.

**ALBERTO-CULVER USA, INC., and
KMART CORPORATION,**

Defendants.

**TO: Gertrude LaCointe-Marius, Esq.
Martial A. Webster, Esq.
Wilfredo A. Geigel, Esq.**

**ORDER REGARDING DEFENDANTS'
MOTION REQUESTING PERMISSION TO CANCEL MEDIATION AND FOR
SANCTIONS**

THIS MATTER came before the Court upon Defendants' Motion Requesting Permission to Cancel Mediation and For Sanctions (Docket No. 49). The time for filing a response has expired.

Defendants base their motion upon the fact that Plaintiff failed to provide discovery responses despite several extensions. Defendants assert that they cannot proceed with mediation in the absence of said discovery.

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Order Regarding Defendants' Motion Requesting Permission to Cancel Mediation and For Sanctions

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Plaintiff failed to file a response to said motion. However, the Court notes that she filed notice of service of answers to interrogatories on March 3, 2008 (Docket Nos. 50 and 51). Consequently, the Court finds that sanctions are not warranted.

Accordingly, it is now hereby **ORDERED**:

1. Defendants' Motion Requesting Permission to Cancel Mediation and For Sanctions (Docket No. 49) is **GRANTED IN PART AND DENIED IN PART**.
2. The mediation scheduled in the above-captioned matter for February 21, 2008, is **CANCELED NUNC PRO TUNC**.
3. Defendants' request for sanctions is **DENIED**.
4. Mediation shall be completed on or before **March 31, 2008**.
5. A status conference is scheduled for April 1, 2008, at 12:00 p.m. (noon) in Magistrate's Chambers.

ENTER:

Dated: March 4, 2008

_____/s/
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE