

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

**SERGIO R. PEREA (minor) by and through
MARIA RIVERA ABUNAGAA (as Mother
and Next of Kin),**

Plaintiff,

v.

**UNITED STATES OF AMERICA and
NATIONAL PARK SERVICE,
U.S. DEPARTMENT OF INTERIOR,**

Defendants.

1:06-cv-80

**TO: Pamela Lynn Colon, Esq.
Angela Tyson-Floyd, Esq., AUSA**

ORDER

THIS MATTER is before the Court for consideration upon United States of America's Motion to Stay Mediation, Pending a Resolution of the Motion to Dismiss, or in the Alternative For Summary Judgment (Docket No. 58). Plaintiff filed an opposition to said motion. Because the mediation is scheduled for November 18, 2009, this order is issued without necessity of reply.

Having reviewed the motion and opposition and being duly advised in the premises, the Court finds that a stay is warranted in view of Defendant United States'

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representation that it is unlikely to settle this matter in mediation given its confidence in its motion to dismiss. Consequently, in the interests of conserving the parties' time, resources, and energies, the Court will grant the motion.

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

1. United States of America's Motion to Stay Mediation, Pending a Resolution of the Motion to Dismiss, or in the Alternative For Summary Judgment (Docket No. 58) is **GRANTED**.
2. All deadlines, including mediation, contained in the Fifth and Final Scheduling Order (Docket No. 42), as amended by subsequent Scheduling Orders (Docket Nos. 51 and 54) are hereby **STAYED** until resolution of the United States of America's Motion to Dismiss or until further order of this Court.
3. The mediation currently scheduled for November 18, 2009, is **CANCELED**.

ENTER:

Dated: November 17, 2009

/s/ George W. Cannon, Jr.
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE