

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOHN EAKIN,

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Plaintiff,

*

v.

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SA-12-CA-1002 FB (HJB)

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AMERICAN BATTLE MONUMENTS
COMMISSION, et al.

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Defendants.

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PLAINTIFF’S UNOPPOSED MOTION FOR RELIEF FROM ADR REFERRAL

Plaintiff files an Unopposed Motion for Relief from an ADR Referral in accordance with Local Rule C-88(g).

1. The Court referred this case to alternative dispute resolution on December 4, 2013

(see Docket No. 44, paragraph 4).

2. Local Rule CV-88(g) provides that a party may request relief from referral not later than 14 days after receiving notice of the referral. A party may obtain relief upon a showing of good cause.

3. Counsel for the Plaintiff has researched the cost for three local San Antonio, Texas, mediators. The hourly rates for mediators range from \$125.00 per hour to \$250.00 per hour. This is a cost that the Plaintiff cannot afford. It should be noted that currently, Plaintiff is proceeding with a court appointed pro bono counsel (the undersigned) to prosecute this cause.

4. Plaintiff wishes to proceed with discovery in this case. Following discovery, Plaintiff believes that mediation will be an expensive hurdle that ultimately may not resolve any issues with this case. There are no monetary damages sought, only specific performance that the Defendant opposes. Plaintiff wishes to conserve his fiscal resources as best he can by foregoing mediation.

WHEREFORE, based on the above, Plaintiff prays that the Court relive the parties from the ADR referral.

Respectfully Submitted,

_____/s/_____
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Attorney for Plaintiff

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ORDER ON PLAINTIFF’S UNOPPOSED MOTION FOR RELIEF FROM ADR
REFERRAL

The Court considers the foregoing Motion and GRANTS the same. The order referring this case to ADR is withdrawn.

Signed this ____ day of _____, 2013

Henry J. Bemporad
United States Magistrate Judge