

RICHARD AMERICA,

Plaintiff,

v.

STEVEN PRESTON,
Administrator, Small Business Administration,

Defendant.

For the reasons set forth in the Opinion issued this same day, it is hereby

FURTHER ORDERED that plaintiff's motion [21] for leave to commence

discovery is DENIED as moot; and it is

FURTHER ORDERED that the parties shall submit a joint report in conformity with Local Civil Rule 16.3 on or before January 19, 2007 as to how they wish to proceed in this case and specifically whether referral at this point to a Magistrate Judge for settlement discussions or to a court-appointed mediator would be appropriate. Counsel shall appear before the Court for a status conference on February 14, 2007 at 9:15 a.m.

SO ORDERED.

DATE: December 27, 2006

/s/ _____
PAUL L. FRIEDMAN
United States District Judge