

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
HUNTINGTON DIVISION

CHRISTOPHER FAIN, *et al.*, individually and  
on behalf of all others similarly situated,

*Plaintiffs,*

v.

WILLIAM CROUCH, *et al.*,

CIVIL ACTION NO. 3:20-cv-00740

HON. ROBERT C. CHAMBERS, JUDGE

**JOINT MOTION TO CONDUCT MEDIATION OVER VIDEOCONFERENCE**

Pursuant to the Scheduling Order in this matter (ECF No. 75), all parties to this case have cooperated to schedule mediation in this case before mediator Donald B. O’Dell. Mediation is currently scheduled to take place on December 1, 2021. Pursuant to Local Rule of Civil Procedure 16.6.4, parties may attend the mediation “by telephone or other electronic means such as video-conference” with “prior approval of the judicial officer.” In light of the ongoing COVID-19 pandemic, and to mitigate the risks related to that pandemic, all parties respectfully move the Court for approval to conduct the mediation over videoconference.

The parties believe that they will be able to fully and meaningfully engage in the mediation process through a virtual platform; indeed, particularly because the Zoom platform enables all participants to see and hear one another, proceeding this way should not have any significant impact on the effectiveness or outcome of the mediation conference. The parties have conferred with the office of mediator O’Dell and, if this motion were granted, they agree to use the online secure platform provided by Zoom.us to conduct the mediation over videoconference. Accordingly, the parties respectfully request that they be allowed to conduct mediation over videoconference using the above-described Zoom platform.

Dated: September 17, 2021

Respectfully submitted,

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