

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA**
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In re:

Case No.
Chapter

_____ Debtor _____ /

vs. Plaintiff

Adversary Proceeding No.

_____ Defendant _____ /

ORDER OF REFERRAL TO MEDIATION

Pursuant to Local Rule 9019-2 of this court, [this adversary proceeding] [name of contested matter] between [names of contested matter and parties] is referred to mediation.

Accordingly, it is

ORDERED as follows:

1. All parties are required to participate in mediation. The mediation shall be

conducted no later than 14 days before the scheduled trial/hearing date, which is set for _____, at _____m.

2. Plaintiff's [or movant's] counsel, or another attorney agreed upon by all counsel of record and any unrepresented parties, shall be responsible for scheduling the mediation conference. The parties shall agree upon a mediator within seven days of the date of this order, and indicate their selection by the timely filing of the Local Form "Notice of Selection of Mediator". If there is no agreement, lead counsel shall promptly notify the clerk in writing, and the clerk shall randomly designate a mediator from the "List of Certified Mediators". The clerk's designation shall be set forth in the Local Form "Notice of Clerk's Designation of Mediator".

3. If any party to the mediation conference, for any reason, objects to the appointed mediator, then, within three business days from the date of the "Notice of Clerk's Designation of Mediator", the objecting party shall file with the clerk, and serve upon the mediator and all other parties to the mediation, a request for an alternate mediator -- including in the request the name of any alternate mediator already agreed upon by the parties. If the alternate mediator has been agreed upon, the clerk shall appoint that mediator. Otherwise, the clerk shall appoint a second mediator from the "List of Certified Mediators" on a random basis and shall serve a second "Notice of Clerk's Designation of Mediator". Each party shall be entitled to one challenge to any clerk-appointed mediator. If a mediator appointed by the clerk is unable to serve, he or she shall, within seven days from the date of the "Notice of Clerk's Designation of Mediator", serve on the clerk and all parties to the mediation a written notice of inability to serve, and the clerk shall appoint an alternate mediator in the manner described above.

4. Upon consultation with the parties and their attorneys, the mediator shall fix a reasonable time and place for the mediation conference, except as otherwise agreed by the parties or by order of the court, and shall give the parties at least 14 days advance written notice of the conference.

5. The appearance of counsel and each party or representatives of each party with full authority to enter into full and complete compromise and settlement is mandatory.

6. The mediator shall report to the court willful failure to attend the mediation

conference or to participate in the mediation process in good faith, which failure may result in the imposition of sanctions by the court.

7. The mediator shall be compensated in accordance with the current rate established by the U.S. District Court for the Southern District of Florida and adopted by this court. The cost of mediation shall be shared equally by the parties [or indicate that the matter is being mediated pro bono in whole or in part pursuant to Local Rule 9019-2(A)(2)(d), and list parties]. All payments shall be remitted to the mediator within 30 days of the date of the bill. Notice to the mediator of cancellation or settlement prior to the scheduled mediation conference must be given at least two full business days in advance. Failure to do so will result in imposition of a fee for one hour.

8. Within seven days after the mediation conference, the mediator shall file the Local Form "Report of Mediator" required by Local Rule 9019-2(E). In the event there is an impasse, the mediator shall report that there is a lack of agreement, with no further comment or recommendation, and the matter will be tried as scheduled.

9. If the parties have reached an agreement regarding the disposition of the matter or proceeding, they shall prepare and submit to the court within 14 days after the filing of the "Report of Mediator" an appropriate stipulation of settlement and joint motion for its approval. Failure to file such a motion shall be a basis for the court to impose appropriate sanctions.

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Submitted by:

The party submitting the order shall serve a copy of the signed order on all required parties and file a certificate of service as required under Local Rule 2002-1(F).