

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR MARION COUNTY, FLORIDA

Case No. 20XX-CA-XXXX

Plaintiff,

vs.

Defendant.
_____ /

MEDIATION ORDER

THIS CAUSE came before the court, *sua sponte* / on Plaintiffs / on Defendant's Motion for Mediation, filed on _____. The Court considered the motion, reviewed the court file, and is otherwise duly advised in the premises. Therefore, it is

ORDERED as follows:

1. In accordance with the Florida Rules of Civil Procedure 1.700-1.730 (2021), this case is referred to mediation. The mediation shall take place prior to any scheduled Pretrial Conference.

2. The parties shall immediately confer to select a mediator and to agree on the date, time and location of the mediation conference. Plaintiff shall have ten (10) days from the date of this order to file a "Notice of Mediation Conference" with the clerk, indicating the date/time of the mediation.

3. It is preferred the parties agree upon their selection of a mediator. If the parties are unable to agree on a mediator, Plaintiffs counsel shall submit a proposed order (with appropriate blanks) and a mediator will be selected by the Court from a list of certified mediators maintained by Court Administration.

4. THE GENERAL RULES GOVERNING MEDIATION ARE AS FOLLOWS:

- a. Unless previously excused by the Court, the appearance of counsel, who will try the case, and their clients (a management representative if a corporate party) with full authority to enter into a full and complete

compromise and settlement, is mandatory. An insured party must have a fully authorized representative (not the attorney) of the insurance company attend the mediation conference.

- b. The Court will impose sanctions against any party who fails to attend or participate in good-faith settlement negotiations. The parties shall devote such time **as is** necessary to settle or until an impasse is declared by the mediator.
- c. The parties shall adhere to any/all instructions of the designated mediator regarding presenting summations to the mediator prior to the scheduled mediation.
- d. All communications, discussions, representations and statements made at the conference shall be privileged settlement negotiations and nothing related to the conference shall be discoverable or admissible at trial.
- e. The parties are advised that nothing in this Order shall be construed as a continuance of any matter in this case.

5. The mediator shall be compensated at the rate of no more than \$350.00 per hour, or such other amount as agreed to by all parties for each hour of mediation, which cost shall be borne equally by the parties unless otherwise ordered.

6. The parties are advised that any mediation completed more than one calendar year from the date of a scheduled pretrial conference shall no longer be considered as a valid mediation and the parties will be required to attend another mediation prior to the Court assigning a trial date.

ORDERED on _____, 202X, at Ocala, Marion County, Florida.

LISA HERNDON
CIRCUIT COURT JUDGE

CERTIFICATE OF SERVICE

I **CERTIFY** that a true copy hereof has been furnished by e-service or
U.S. Mail to the following, on _____, 202X.

Stacey Waldron
Judicial Assistant