

**IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT  
IN AND FOR HARDEE, HIGHLANDS AND POLK COUNTIES, FLORIDA**

Plaintiff(s),

VS.

Case Number: GC-G-

Defendant(s).

**ORDER DIRECTING MEDIATION**

Pursuant to Rules 1.700 through 1.780, Florida Rules of Civil Procedure, it is ORDERED:

- 1. Mediation.** This matter is referred to Mediation.
- 2. Appointment.** Plaintiffs attorney shall attempt an agreement with all concerned as to the appointment of a certified Mediator and the Mediator's compensation. If agreement is achieved, Plaintiffs attorney shall file a notice making the agreement a matter of record. If the parties cannot agree *within ten (10) days of the date of this Order*, Plaintiffs attorney shall notify the Court to that effect and the Court will enter an Order appointing the Mediator and setting the compensation.
- 3. Scheduling.** Plaintiffs attorney shall a) schedule the Mediation Conference at an agreeable time sufficiently in advance of the Pretrial Conference, and b) confirm the date, time and place of the Mediation Conference by letter to all concerned. The Mediation Conference shall occur prior to the Pretrial Conference.
- 4. Consultation.** *At least ten (10) days in advance of the Mediation*, Plaintiffs attorney shall schedule a consultation for all counsel, in person or by telephone, for the purpose of presenting a Statement of the Case to the Mediator *at least five (5) days in advance of the Mediation*. The statement of the case shall contain a) a concise paragraph agreed to by the parties describing the overall case, b) a paragraph from each party containing the contentions of that party, and c) a paragraph from Plaintiff concerning the relief sought. These paragraphs shall be brief and to the point and of the kind utilized later in the Pretrial Stipulation for the trial judge to read to the jury.

**5. Attendance.** Each party shall be represented at the conference by the person who will try the case. The parties must also be present. A corporate party must be represented by a managing agent. An insured party must also have a representative present with full authority (not limited authority) to settle the case. A participant who fails to attend, leaves the Mediation before the Mediator declares an impasse, or a party in attendance with limited authority, is subject to sanctions by the Court. Sanctions may include taxing of fees and costs for the participants and the Mediator.

**6. Privilege.** All discussions, representations and statements made at the Mediation Conference shall be privileged as settlement negotiations and nothing related to the conference shall be admitted at trial or be subject to discovery.

**A.** In the event the parties settle the case, the agreement shall be immediately reduced to writing.

**7. Result.** The Mediator shall provide the Court with a Mediation Report 5 days prior to the Pretrial Conference, unless otherwise ordered by the court.

IT IS ORDERED that all communications noticing court proceedings including, but not limited to, subpoenas for trial, jury summons, notice of hearings, notice for depositions and all other court related proceedings shall provide that persons with a disability who need a special accommodation shall contact the Office of the Court Administrator to insure that reasonable accommodations are available. Such communications noticing court proceedings shall include the following substantive language:

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Office of the Court Administrator, (863) 534-4690, within two (2) working days of your receipt of this (describe notice); if you are hearing or voice impaired, call TDD (863) 534-7777 or Florida Relay Service (800) 955-8770.

DONE AND ORDERED at Polk County, Florida this \_\_\_\_\_ day of 2005.

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, Circuit Judge

Copies furnished to: