

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
In re

Case No.

Chapter

Debtor,  
-----X

ORDER ASSIGNING MATTER TO MEDIATION

WHEREAS, the Court has determined to assign all contested matters in the above-captioned [case/adversary proceeding] to mediation to attempt to resolve disputes by and between the parties; it is

ORDERED, that all such matters are hereby assigned to mediation; and it is further

ORDERED, that the parties shall select a mediator and one alternate from the register of approved mediators of the United States Bankruptcy Court for the Eastern District of New York or the register of approved mediators of the United States Bankruptcy Court for the Southern District of New York; and it is further

ORDERED, that the parties shall notify the Court by [date] whether they have selected a mediator and one alternate; and it is further

ORDERED, that if the parties are unable to agree upon a mediator and an alternate by [date], they shall notify the Court, and the Court will select a mediator; and it is further

ORDERED, that upon the selection of a mediator, the parties shall promptly submit to this Court a proposed order which authorizes the appointment of the selected mediator, sets forth the proposed timetable for the mediation, establishes deadlines as appropriate, sets forth the minimum sessions which will take place and their location, sets forth the materials to be submitted to the mediator, and addresses the mediator's compensation and reimbursement of expenses (the "Order Selecting Mediator and Governing Mediation Procedure") (a form of which is annexed hereto); and it is further

ORDERED, that the initial mediation conference shall take place no later than 30 days after entry of the above-referenced Order; and it is further

ORDERED, that each party shall attend the mediation conferences through a representative (in addition to an attorney) who has complete authority and discretion to settle all disputed issues; and it is further

ORDERED, that to the extent the procedures for mediation are not set forth herein or in the proposed Order Selecting Mediator and Governing Mediation Procedure, the mediation shall be governed by E.D.N.Y. L.B.R. 9019-1 ("Alternative Dispute Resolution-Mediation"); and it is further

ORDERED, that the cost of the mediation shall be split equally between the two parties; and it is further

ORDERED, that upon conclusion of the mediation directed herein, the mediator and the parties shall notify the Court of the results of the mediation; and it is further

ORDERED, that all fees due the mediator by the estate, including any fees for which any plaintiff will seek reimbursement as an expense of administration of the debtor's estate, shall be paid upon application to and approval of the United States Bankruptcy Court in accordance with 11 U.S.C. §§ 330 and 331; and it is further

ORDERED, that notwithstanding the assignment of these matters to mediation, the parties shall remain responsible for complying with all pleading, discovery and other deadlines; and it is further

ORDERED, that the dates and deadlines set forth in this Order shall not be extended except by order of the Court upon application made for good cause shown.

Dated: Brooklyn, New York

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CARLA E. CRAIG  
Chief United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
In re:

Case No. -608

,

Chapter 11

Debtor.  
-----X

Order Selecting Mediator and Governing Mediation Procedure

Pursuant to an order of this Court entered on \_\_\_\_\_, assigning the above-captioned matter to mediation, the parties to the within proceeding consent to the following:

1. The parties hereby select \_\_\_\_\_ to serve as a mediator (the "Mediator") and the Mediator hereby accepts such appointment. \_\_\_\_\_ is hereby selected as an alternate mediator and has agreed to assume the position as mediator in the event that his or her services are required.

2. The following terms shall apply to the mediation:

*Note, this section will ordinarily address, among other things, the following:*

- the timetable for the mediation,
- whether there is any limit on the number of mediation sessions which will take place,
- the location of the mediation,
- the names of the individuals who shall attend the mediation,
- the materials to be submitted to the mediator, and
- any deadlines established by the parties and/or the mediator.

3. The following terms shall apply to the Mediator's compensation and reimbursement of expenses:

*Note, this section will ordinarily address, among other things, the following:*

- the hourly rate of the mediator, including whether there is a different fee charged for travel time,
- the types of expenses that are reimbursable,

- any caps on the mediator's fees or expense reimbursement to which the mediator may agree or the court may set, and
- the arrangement for payment of the mediator.

4. Any terms of the mediation not set forth herein shall be governed by E.D.N.Y. L.B.R. 9019-1 ("Alternative Dispute Resolution-Mediation") or, if not addressed therein, by agreement of the parties or, absent such agreement, by the Mediator.

5. By this Order, the Court authorizes \_\_\_\_\_ to serve as the Mediator in this case and to conduct the mediation as set forth herein.

Dated: \_\_\_\_\_, 200\_

\_\_\_\_\_  
Attorney for  
Address

\_\_\_\_\_  
Attorney for  
Address

\_\_\_\_\_  
Party:  
Address:

\_\_\_\_\_  
Party  
Address

\_\_\_\_\_  
Mediator

Dated: Brooklyn, New York  
\_\_\_\_\_, 200\_

SO ORDERED:

\_\_\_\_\_  
CARLA E. CRAIG  
Chief United States Bankruptcy Judge