

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

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In Re:

Chapter:

Case No.:

Debtor.

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Plaintiff,

Adv. Pro. No.:

-against-

Defendant.

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PRO BONO MEDIATION REFERRAL ORDER

WHEREAS, the U.S. Bankruptcy Court for the Eastern District of New York (the "Court") has instituted a Pilot Pro Bono Mediation Project (the "Project"); and

WHEREAS, pending before this Court is the above referenced contested matter or adversary proceeding (the "Matter"); and

WHEREAS, this Court has determined that the Matter should be referred to Mediation In accordance with the Project;

NOW, THEREFORE, it is hereby

ORDERED, that the Matter is referred to mediation pursuant to Rule 9019-1 of the Local Bankruptcy Rules for the United States Bankruptcy Court for the Eastern District of New York, and that _____ (the "Mediation

Parties") are all each Ordered to attend the Mediation and participate therein; and it is further

ORDERED, that _____ is appointed as Mediator; and it is further

ORDERED, that the Mediator shall set a time schedule and a fee schedule for the mediation, equally dividing the fee between the Mediation Parties, except that no fee shall be charged to any of the following Mediation Parties: _____; and it is further

ORDERED, that an individual with final authority to settle the Matter and to bind each of the Parties shall attend the mediation on behalf of each party; and it is further

ORDERED, that upon conclusion of the mediation directed herein, the Mediation Parties shall notify the Court as to the results of the mediation; and it is further

ORDERED, that in the event that the Matter is not resolved through mediation or otherwise, the Mediation Parties are directed to appear at a status conference on _____, at _____ "*****". before the Honorable Alan S. Trust, in Courtroom 960, Alfonse M. D'Amato Federal Courthouse, 290 Federal Plaza, Central Islip, New York 11722, for a status conference on the Matter; and it is further

ORDERED, that the Mediation shall be considered a settlement negotiation for the purpose of all federal and state rules protecting disclosures made during such conferences from later discovery or use in evidence; the entire procedure shall be confidential, and no stenographic or other record shall be made except to memorialize a settlement record, all communications and conduct, oral or written, during the Mediation by any party or a party's agent, employee, or attorney are confidential and, where appropriate, are to be considered work product and privileged; such conduct, statements, promises, offers, views and opinions shall not be subject to discovery or admissible for any purpose, including impeachment, in any litigation or other proceeding involving the parties; provided, however, that evidence otherwise subject to discovery or admissible is not excluded from discovery or admission in evidence simply as a result of it having been used in connection with this Mediation process; and it is further

ORDERED, that the Mediator and his or her agents shall have the same immunity as judges and court employees have under Federal law and the common law from liability for any act or omission in connection with the Mediation, and from compulsory process to testify or produce documents in connection with the Mediation; and it is further

ORDERED, that the Mediation shall otherwise be conducted in accordance with and shall be governed by E.D.N.Y. LBR 9019-1.