

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

[Debtor(s)]

Case No.: - -AST

Chapter __

Debtor(s).

-----X

[Plaintiff(s)],

Plaintiff(s).

- against -

Adv. Pro. No.: - -AST

[Defendant(s)],

Defendant(s).

-----X

ORDER ASSIGNING MATTERS TO MEDIATION

The Court has determined to assign to mediation the above adversary proceeding between [Name(s) of Plaintiff(s)] (the “Plaintiff(s)”), and [Name(s) of Defendant(s)] (the “Defendant(s)”) (collectively, the “Mediation Parties”), to attempt to resolve all disputes by and between the Mediation Parties; it is therefore

ORDERED, that pursuant to E.D.N.Y. LBR 9019-1, all disputes by and between the Mediation Parties are hereby referred to mediation; and it is further

ORDERED, that [Name of Mediator], is hereby designated as mediator (the “Mediator”); and it is further

[**ORDERED**, that [Name of Back Up Mediator, If Applicable], is hereby designated as alternate mediator in the event that [Name of Mediator], has a conflict or is otherwise unable to serve as Mediator; and it is further]

ORDERED, that the Mediator shall be compensated at an hourly rate to be determined after consultation between the Mediator and the Mediation Parties, or, if not agreed, then to be set by the Court; and it is further

ORDERED, that the fees and cost of the mediation shall be shared equally among the Mediation Parties, with the Plaintiff(s) bearing one-half of the total fees and costs, and the Defendant(s) bearing one-half of the total fees and costs; and it is further

ORDERED, that [all fees due the Mediator from the bankruptcy estate shall be paid upon motion by notice of presentment filed pursuant to E.D.N.Y. LBR 2002-1 and served upon the Mediation Parties, all parties who have requested notice of pleadings filed in the main bankruptcy case of [Name of Debtor(s)], and the United States Trustee, and approval thereof by the United States Bankruptcy Court;] all fees due the Mediator from the non-estate Mediation Parties shall be paid directly to the Mediator upon receiving a bill for services; and it is further

ORDERED, that the Mediation Parties shall furnish the Mediator with such copies of the pleadings and motion papers as the Mediator shall request, as well as such statements of each respective party's position as the Mediator shall request; and it is further

ORDERED, that the mediation shall be concluded, whether by separate or joint sessions, by **[Date Mediation Will Conclude]**; and it is further

ORDERED, that by **[Ten Dates After the Conclusion of Mediation]**, the Mediator shall file a status letter as to whether the mediation resulted in a settlement; and it is further

ORDERED, that notwithstanding any provision of this Order, the Mediation Parties shall comply with all deadlines contained in this Court's Orders entered in this adversary proceeding, and shall appear at all scheduled hearings and conferences; and it is further

ORDERED, that the Mediation Parties must attend the mediation; any partnership, corporation or other legal entity which is a Mediation Party must designate for attendance a representative who has complete authority to resolve the dispute(s), subject only to such approval of the Bankruptcy Court as may be necessary or appropriate; and it is further

ORDERED, that to the extent the procedures for mediation are not set forth herein, the mediation shall be governed by E.D.N.Y. LBR 9019-1; and it is further

ORDERED, that the Clerk of the Court serve a copy of this Order upon the attached Service List.

Service List

Counsel for the Plaintiff(s)
[Insert Name and Address]

Counsel for the Defendant(s)
[Insert Name and Address]

Mediator
[Insert Name and Address]

[Alternate Mediator]
[Insert Name and Address]

Office of the United States Trustee
Alfonse M. D'Amato Federal Courthouse
560 Federal Plaza
Central Islip, NY 11722