

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Case No. -608

,

Chapter 11

Debtor.
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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.

[Intentionally left blank]

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
United States Bankruptcy Judge