

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

Utica Mutual Insurance Company

**ORDER REFERRING CASE TO
MANDATORY MEDIATION PROGRAM**

v.

Case No. **6:13-CV-1178**

Clearwater Insurance Company

Upon due consideration, the Court finds this case is appropriate for referral to the Mandatory Mediation Program as provided in Section 2.1 of General Order 47 (“the Plan”).

Therefore, **IT IS HEREBY ORDERED** as follows:

This case is referred to participation in the Mandatory Mediation Program. The parties should refer to General Order #47 (“the Plan”). A listing of Mediators, and related information can be found at www.nynd.uscourts.gov or obtained from the Clerk’s Office; and it is further

ORDERED, that the deadline for completion of mediation is **May 8, 2014**; and it is further

ORDERED, that within twenty-eight (28) days of the date of the filing of this Order, pursuant to Section 5.4 of the Plan, the parties shall confer and select a Mediator, confirm the Mediator’s availability, confirm that the Mediator does not have a conflict with any of the parties to the case, identify a date and time for the initial mediation session, and file the stipulation confirming their selection by completing the online form in CM/ECF “Stipulation Selecting Mediator”, and it is further

ORDERED, that no later than seven (7) days before the date of the initial mediation session, each party shall provide the Mediator with a written Memorandum of Mediation in accordance with Section 5.6 of the Plan. The Memorandum of Mediation is subject to confidentiality and SHALL NOT be filed; and it is further

ORDERED, that the Mediator shall encourage and assist the parties in reaching a resolution to their dispute, but may not compel or coerce the parties to settle; and it is further

ORDERED, that pursuant to Section 5.10 of the Plan, information disclosed during the

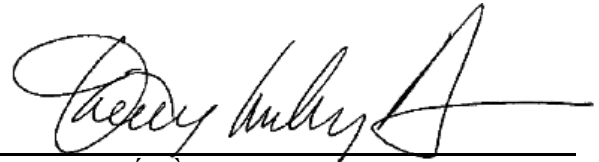
mediation session shall remain confidential and shall not be made known to any other party or this Court, without consent of the disclosing party or parties. The Mediator shall not be called as a witness, nor may the Mediator's records be subpoenaed or used as evidence; and it is further

ORDERED, that within seven (7) days after the close of each mediation session, the Mediator shall file a report by completing the online form in CM/ECF "Mediation Report"; and it is further

ORDERED, that the parties shall compensate the Mediator for services rendered pursuant to this Order in accordance with Section 5.3 of the Plan; and it is further

ORDERED, that pursuant to Section 4.1(B) of the Plan, referral of this case to mediation will not delay or defer other dates established in the Scheduling Order and has no effect on the progress of the case toward trial, except that any judicial settlement conferences set forth in the Scheduling Order hereby are adjourned.

DATED: January 8, 2014

A handwritten signature in black ink, appearing to read "Thérèse Wiley Dancks", written over a horizontal line.

HON. THÉRÈSE WILEY DANCKS
U.S. Magistrate Judge