IN THE COUNTY COURT OF

THE EIGHTEENTH JUDICIAL CIRCUIT

IN AND FOR BREVARD COUNTY

STATE OF FLORIDA

,

Plaintiff,

vs. Case No. **05-****-****-**

,

Defendant.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/

**ORDER FOR MEDIATION AND PRETRIAL CONFERENCE**

This cause coming before this Court on September 29, 2011   and the Court having been advised in the premises,

It is hereby **ORDERED** and **ADJUDGED** as follows:

1. The parties shall mediate this case and the mediation shall be:
   1. Held at the Harry T. and Harriette V. Moore Justice Center, 2825 Judge Fran Jamieson Way, 3rd Floor, Viera, Florida 32940;
   2. Conducted by a Mediator assigned by the Court Mediation Program; and,
   3. Completed before the date of the Pretrial Conference, as set forth herein.
2. The parties and their counsel shall comply with the attached ***Mediation Instructions***;

**3**. Unless all issues in this case have been settled, a Pretrial Conference shall be held before this Court at the Brevard County Courthouse located at 51 South Nieman Avenue, Melbourne, FL 32901 at on **,** ; and,

**4. A**t the Pretrial Conference each party or their counsel shall furnish to every other attorney or party, the following:

* 1. A list indicating the name and address of each person that party intends to call as a witness at the trial;
  2. A copy of each document, photograph, and recording (video, audio or digital) that party intends to introduce into evidence at the trial,

It is further hereby **ORDERED** and **ADJUDGED** that failure to comply with this ***Order for Mediation and Pretrial Conference*** or the attached ***Mediation Instructions*** may result in the entry of default judgment, dismissal or other dispositive order adverse to the non-compliant party.

DONE and ORDERED this at Chambers in the Brevard County Courthouse, Melbourne, Florida.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Judge of the County Court

*Copies to ~*

Attorney for Plaintiff

Defendant

Mediation Services Coordinator

Pursuant to Rule 1.750(b), Florida Rules of Civil Procedure, either party may object to mediation on the grounds of financial hardship and may move, within 15 days of the date of this *Order for Mediation and Pretrial Conference* to dispense with mediation on any ground set forth in Rule 1.700(b), Florida Rules of Civil Procedure.

Delivered on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

By U.S. Mail / Fax / Hand Delivery

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Judicial Assistant

Telephone (321) 952-4703

**If you are a person with a disability who needs accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator at Court Administration, 2825 Judge Fran Jamieson Way, 3rd Floor, Viera, Florida 32940-8006, tel. (321) 633-2171 ext. 2, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing impaired, call 711.**

**Mediation Instructions**

Prior to the mediation the parties and their counsel shall:

1. Contact the Mediation Services Coordinator at (321) 637-5532 within 10 days of the date of the attached Order to commence making arrangements for the mediation;
2. Promptly notify the Mediation Services Coordinator of any settlement prior to the scheduled mediation by faxing a copy of the settlement agreement to the Mediation Services Coordinator at (321) 637-5534;
3. Participate in a conference call as directed by the Mediation Services Coordinator to coordinate a time and date for mediation;
4. All attorneys and corporate representatives shall ascertain the extent of their authority to settle; and,
5. Pay the statutory fee to the Clerk of the Court and any additional payment shall be made prior to any continued mediation session.

The parties and their counsel shall comply with the following:

1. Unless prior arrangements are made with the Mediation Services Coordinator for telephone appearance, every party and counsel representing any party shall appear for mediation in person;
2. Corporate representatives attending the mediation shall be persons having knowledge of the case and the extent of their authority to settle the case;
3. The parties and their counsel, if any, shall participate in the mediation fully and in good faith;
4. At the commencement of the mediation session, each party or counsel shall furnish the Mediator with a receipt for said payment of the statutory fee to the Clerk of the Court.
5. The parties and their counsel shall file with the Court all settlement documentation within thirty (30) days of the scheduled mediation; and,
6. The Mediator shall promptly report to the Court whether the mediation was conducted and, if so, whether settlement or impasse was reached at mediation.