

STATE OF MICHIGAN COUNTY OF MACOMB CIRCUIT COURT	ORDER	Case No.
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_____, Plaintiff(s) Attorney: _____ P# _____

vs.

_____, Defendant(s) Attorney: _____ P# _____

ORDER REGARDING FACILITATIVE MEDIATION

The Court, having consulted with the parties and determined that the case should be submitted to facilitative mediation under MCR 2.410 and 2.411; and the Court being otherwise fully advised;

IT IS THEREFORE ORDERED AS FOLLOWS:

(1) Selection of Mediator. The parties stipulate to have _____ serve as Mediator. Alternatively, the parties shall have seven (7) days to confer on the selection of a mediator. If the parties cannot agree on a mediator within seven (7) days, plaintiff's counsel shall so advise the Court, and the Court will select a mediator in the manner provided by MCR 2.411(B)(3).

(2) Scheduling and Conduct of Mediation. Mediation shall be completed within _____ days of the date hereof. Within seven (7) days of completion of mediation, the mediator shall submit a report to the Court stating the date of completion of the process, who participated in the mediation, whether a settlement was reached, and whether further ADR proceedings are contemplated.

(3) Attendance at Mediation. **The attorneys who intend to try the case and the parties to the action shall attend the Mediation.** In addition, any agents of the parties, representatives of lienholders, or representatives of insurance carriers with information and/or authority necessary for responsible and effective participation in the mediation must be present, including _____.

(4) Next Settlement Conference. If the case is settled through mediation, the attorneys shall submit an order of dismissal within twenty-one (21) days of the date the settlement was reached. **The parties shall appear for a Settlement Conference before the Court on _____, at _____: _____ a.m., unless an order of dismissal is entered with the Court prior to that date.**

(5) Payment of Fees. The costs of mediation shall be divided between the parties on a pro-rata basis unless otherwise agreed by the parties or ordered by the Court.

This order does not resolve the last pending claim or close the case.

Hon. James M. Biernat, Jr.
Circuit Court Judge

APPROVED AS TO FORM AND SUBSTANCE BY:

Signature of attorney for plaintiff

Signature of attorney for defendant