Mediation Agreement

----------------------------------------------------------------------------------X

Plaintiff,

-against-

Defendants

Docket No.

----------------------------------------------------------------------------------X

**AGREEMENT**

WHEREAS the above captioned matter has been ordered to Mediation with the agreement of the parties:

NOW THEREFORE, the parties and the Mediator whose signatures appear below agree that:

1. The Mediation shall be conducted in accordance with the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2. All written and oral communications made by any party, attorney, other participants, or the Mediator in connection with or during any Mediation session are privileged and confidential and shall NOT be disclosed or used for any purpose in this or any other pending future proceeding. However, evidence that would otherwise be discoverable or admissible shall not be rendered non-discoverable or inadmissible as a result of its use in this Mediation.

3. No party shall be bound by anything said or done at Mediation sessions, unless a written and signed settlement is reached or the parties enter into a written and signed agreement about the pre-trial management of the case. Any agreement reached shall be in writing and, when signed, shall be binding upon all parties to the agreement.

4. The parties agree not to subpoena the Mediator or any notes, documents or other materials prepared by the Mediator in the course of or in connection with the Mediation. In no event will the Mediator voluntarily testify on behalf of a party.

5. In accordance with \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ the mediator’s fee will be $\_\_\_ for the first four (4) hours of mediation session or part thereof and $\_\_\_\_ per hour thereafter. The fee will be split among the parties unless otherwise agreed.

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Plaintiff Defendant

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

Counsel for Plaintiffs Counsel for Defendant