

## **L.R. 9019 - Mediation.**

A. **Choosing the Mediator.** The parties to a mediation may agree upon a mediator who is not the judge presiding over their case. If the Court has ordered the mediation, the parties shall agree on a mediator within 7 days of the mediation order.

B. **Compensation of Mediators.** The amount of compensation required to be paid to the mediator shall be determined by the mediator and parties to the mediation. A Trustee's or debtor-in-possession's share of the costs of mediation shall be an expense of the estate subject to review by the Court.

C. **No Stay of Proceedings.** Unless otherwise ordered, referral of a proceeding to mediation does not stay discovery or other preparation for trial or final hearing.

D. **Mediation Statements.** Any mediation statement shall not be filed with the Court.

E. **Attendance.** The mediator shall report to the Court any willful failure to attend or participate in a Court-ordered mediation.

F. **Mediation Report.** No later than 7 days after conclusion of a Court-ordered mediation, the mediator shall file with the Court and serve upon the parties the mediator's report (Local Form 24) advising whether the matter has been resolved. In the event the matter is unresolved, the mediator shall make no further comment or recommendation concerning the matter, and the matter shall proceed as scheduled before the Court. If an agreement has been reached in any mediation, no later than 14 days after the conclusion of the mediation, the parties shall prepare, and the plaintiff or the movant shall file a stipulation of settlement or joint motion for approval of the settlement.

G. **Confidentiality.** Conduct or statements made in the course of mediation shall constitute "conduct or statements made in compromise negotiations" under Federal Rule of Evidence 408, and no such evidence shall be admitted or disclosed to the Court or any party to which the conduct or statements were not disclosed in the course of the mediation.