

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ERIC E. HOYLE,

Plaintiff,

-vs-

**ORDER
OF
REFERRAL TO ADR**

08 -CV- 347C

FREDERICK DIMOND, et al.,

Defendant(s).

ORDER REFERRING CASE TO MEDIATION

After due consideration, the Court finds that this case is appropriate for referral to alternative dispute resolution as provided in Section 2.1.B of the Plan for Alternative Dispute Resolution in the United States District Court for the Western District of New York (the ADR Plan). A copy of the ADR Plan, a list of ADR Neutrals, and related forms and documents can be found at <http://www.nywd.uscourts.gov> or obtained from the Clerk's Office.

IT HEREBY IS ORDERED that this case is referred to mediation.

FURTHER that no later than September 10, 2012, the parties shall confer and select a Mediator, confirm the Mediator's availability, ensure that the Mediator does not have a conflict with any of the parties in the case, identify a date and time for the initial mediation session, and file a stipulation confirming their selection on the form provided by the Court.

FURTHER, that the initial mediation session shall be held no later than October 31, 2012.

FURTHER, that not less than ten (10) calendar days before the initial mediation session, each party shall provide the Mediator with a memorandum in accordance with Section 5.6 of the ADR Plan.

FURTHER, 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.

FURTHER, that pursuant to Section 5.10 of the ADR 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. The Mediator shall not be called as a witness, nor may the Mediator's records be subpoenaed or used as evidence.

FURTHER, that within ten (10) days of the close of each mediation session, the Mediator shall file a form "Mediation Certification" provided by the Court.

FURTHER, that counsel and any unrepresented parties shall compensate the Mediator for services rendered pursuant to this Order in accordance with Section 5.3 of the ADR Plan.

FURTHER, that this Referral shall terminate on December 31, 2012.

So ordered.

 \s\ John T. Curtin
JOHN T. CURTIN
United States District Judge

Dated: August 8 , 2012