

**NOTICE: THIS DOCUMENT
CONTAINS SENSITIVE DATA**

NO. _____

§ **IN THE** _____ **COURT**
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§ **DENTON COUNTY, TEXAS**

ORDER OF REFERRAL TO MEDIATION

The above referenced case is referred to mediation in accordance with the Texas Civil Practices and Remedies Code. The **Denton County ADR Program (DCAP)** is appointed to mediate in this case, and all counsel are ordered to contact DCAP to arrange the logistics of mediation within ten business days. **DCAP's** address and telephone number are as follows:

**1504 E. McKinney St.,
Denton, Texas 76209
(metro) 940.320.1500
(metro fax) 940.320.1502**

(email) executivedirector@dentonbar.com

This mediation is a mandatory settlement conference, conducted with the assistance of the mediator. A mediated settlement agreement can be made binding on the written agreement of the parties. Mediation is private, confidential, and privileged, except as provided by applicable law. After mediation, the Court will be advised by the mediator only that the case did or did not settle. The mediator shall not be a witness, and the mediator's records may not be subpoenaed or used as evidence. No subpoenas, citations, writs, or other process shall be served at or near the location of any mediation session on any person entering, leaving, or attending any mediation session. Each party and counsel shall be bound

by any rules for mediation furnished by the mediator and shall complete and supply all information requested by the mediator.

IT IS ORDERED that all named parties and lead attorneys shall be present during the entire mediation process and that each corporate party must be represented by an executive officer with authority to negotiate a settlement. Counsel and parties are **ORDERED** to proceed in a good-faith effort to try to resolve this case and shall agree on a mediation date within the next 10 days. If no agreed date can be scheduled within the next 10 days, DCAP shall select a date for the mediation and all counsel and parties are **ORDERED** to appear as directed by DCAP. Any date so scheduled by DCAP is incorporated in this Order as the date on which the mediation shall occur. Referral to mediation is not a substitute for trial, and the case will be tried if not settled.

IT IS FURTHER ORDERED that all the parties do the following:

1. Notify Denton County Alternative Dispute Resolution Service (DCAP), in writing at least 21 days before the date of mediation, or immediately upon entry of this Order if the mediation is scheduled less than 21 days from the date of this order, if there is any allegation, by either party, of domestic violence having been committed by either party, or any person attending the mediation, or if there is any reason the party believes his or her personal safety would be in jeopardy at mediation.
2. Pay the mediation fee assessed herein prior to, or concurrently with, the scheduling of the mediation. **IT IS SPECIFICALLY ORDERED** that DCAP is under no obligation to schedule the mediation until the assessed fee is paid.

IT IS ORDERED, the mediation levels shall be set by the "Amount in Controversy" plead by the parties. **However, IT IS ORDERED** that, if during mediation it is discovered that the amount in controversy is higher than the amount indicated by the parties prior to mediation which then indicates a higher mediation level/fee for any party to the mediation, DCAP shall assess the fee indicated on the date of mediation and mediation shall not continue until said additional fee has been paid.

IT IS FURTHER ORDERED that, if the parties indicate different mediation levels because of disputed valuations of the claim(s), the higher valuation shall control the mediation level for both parties.

The following levels have been approved through the Commissioner's Court, please do not modify.

Level 1. Indigent

(Check One):

_____ Plaintiff has been judicially determined by this court to be indigent. Mediation will be conducted at no charge to this individual.

_____ Defendant, has been judicially determined by this court to be indigent. Mediation will be conducted at no charge to this individual.

_____ **Level 2.** The amount in controversy is less than \$250,000.00.

(Check One):

_____ The cost of mediation is \$150.00 per (Party / Plaintiff / Defendant). **(circle one)**

_____ The \$300.00 mediation fee will be charged to _____

SIGNED on this _____ day of _____, 20_____

JUDGE PRESIDING

Certification of Amount in Controversy of the parties:

I hereby certify to the best of my knowledge, that the below level correctly reflects the amount in controversy for my client:

____ LEVEL 1: My client is indigent

____ LEVEL 2: Less than \$250,000.00

Signed on the ____ day of _____, 20__.

Attorney for Plaintiff

Certification of Amount in Controversy of the parties:

I hereby certify to the best of my knowledge, that the below level correctly reflects the amount in controversy for my client:

____ LEVEL 1: My client is indigent

____ LEVEL 2: Less than \$250,000.00

Signed on the ____ day of _____, 20__.

Attorney for Defendant