## UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

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Civil Action No.

Defendant

Plaintiff

## **ORDER RE: MEDIATION**

PONSOR, U.S.D.J.

Counsel are hereby notified that the court has scheduled a mediation for <u>at</u> <u>10:00 a.m.</u> The mediation will proceed by video conference and counsel are directed to be present with their clients or clients' representatives with authority to negotiate and commit to settlement terms that are acceptable. All parties and counsel will participate in the conference in good faith and with the interest of settling the matter on mutually agreeable terms. All participants will keep confidential all communications exchanged during the mediation.

No later than <u>[date five days prior to mediation]</u>, each party will provide the court a confidential settlement memorandum of no more than five pages addressing the following points:

- An analysis of the background and key issues involved in the litigation, including a breakdown of the claimed damages.
- 2. A description of the strongest and weakest legal and factual points in the party's case.

- A description of the strongest and weakest legal and factual points in the opposing party's case.
- 4. The status of settlement negotiations, including the last proposal made by each side. Counsel will confer and confirm the status of settlement proposals prior to submitting their memoranda.

Each memorandum will be held in confidence by the court, not docketed, not disclosed to the opposing party, and returned at the conclusion of mediation. The memoranda will be submitted to the Courtroom Deputy, Bethaney Healy, at the following email address: Bethaney Healy@mad.uscourts.gov

If any party believes the case is not ripe for mediation, the party will notify opposing counsel and the court in writing within three workdays of receipt of this order, briefly describing the reasons for the party's position. Within three workdays thereafter the opposing party may respond. The notification and response may, or may not, persuade the court to cancel or postpone mediation.

If the scheduled date and time poses a serious conflict, counsel should not contact the Supervising Deputy directly regarding re-scheduling. Instead, counsel should confer and, as soon as possible but in any event no later than one week prior to the scheduled date, file an assented-to motion to continue the mediation, offering at least three proposed dates and times at which all counsel and their principals or representatives will be available.

DATED: <u>January 5, 2023</u>

<u>/s/ Michael A. Ponsor</u> MICHAEL A. PONSOR United States District Judge