

STATE OF MICHIGAN COUNTY OF MACOMB CIRCUIT COURT	<b>ORDER</b>	Case No. _____
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\_\_\_\_\_, Plaintiff(s) Attorney: \_\_\_\_\_ P# \_\_\_\_\_

vs.

\_\_\_\_\_, Defendant(s) Attorney: \_\_\_\_\_ P# \_\_\_\_\_

**ORDER REGARDING FACILITATIVE MEDIATION**

The Court, having consulted with the parties and determined that the case should be submitted to facilitative mediation under MCR 2.410 and 2.411; and the Court being otherwise fully advised;

**IT IS THEREFORE ORDERED AS FOLLOWS:**

(1) Selection of Mediator. The parties stipulate to have \_\_\_\_\_ serve as Mediator. Alternatively, the parties shall have seven (7) days to confer on the selection of a mediator. If the parties cannot agree on a mediator within seven (7) days, plaintiff's counsel shall so advise the Court, and the Court will select a mediator in the manner provided by MCR 2.411(B)(3).

(2) Scheduling and Conduct of Mediation. Mediation shall be completed within \_\_\_\_\_ days of the date hereof. Within seven (7) days of completion of mediation, the mediator shall submit a report to the Court stating the date of completion of the process, who participated in the mediation, whether a settlement was reached, and whether further ADR proceedings are contemplated.

(3) Attendance at Mediation. **The attorneys who intend to try the case and the parties to the action shall attend the Mediation.** In addition, any agents of the parties, representatives of lienholders, or representatives of insurance carriers with information and/or authority necessary for responsible and effective participation in the mediation must be present, including \_\_\_\_\_.

(4) Next Settlement Conference. If the case is settled through mediation, the attorneys shall submit an order of dismissal within twenty-one (21) days of the date the settlement was reached. **The parties shall appear for a Settlement Conference before the Court on \_\_\_\_\_, at \_\_\_\_\_: \_\_\_\_\_ a.m., unless an order of dismissal is entered with the Court prior to that date.**

(5) Payment of Fees. The costs of mediation shall be divided between the parties on a pro-rata basis unless otherwise agreed by the parties or ordered by the Court.

This order does not resolve the last pending claim or close the case.

\_\_\_\_\_  
Hon. Kathryn A. Viviano  
Circuit Court Judge

**APPROVED AS TO FORM AND SUBSTANCE BY:**

\_\_\_\_\_  
Signature of attorney for plaintiff

\_\_\_\_\_  
Signature of attorney for defendant