

Cause No: \_\_\_\_\_

IN RE: § IN THE DISTRICT COURT OF  
§ FORT BEND COUNTY, TEXAS  
§ 387th JUDICIAL DISTRICT

### **ORDER OF REFERRAL TO MEDIATION**

Having considered the matters in dispute in this lawsuit pursuant to the provision of Texas Civil Practice and Remedies Code Annotated § 154.001, *et seq.*, the Court finds that this matter appears to be appropriate for mediation.

It is hereby ORDERED that this matter is referred to mediation. Any party having a reasonable basis for an objection to this referral shall file a written objection as soon as possible and not later than ten (10) days after receiving this order, together with a written request for hearing.

It is ORDERED that the following person is appointed mediator in this case:

\_\_\_\_\_.

It is FURTHER ORDERED that the parties are directed to confer with the Mediator to establish a date for Mediation. **In the event the parties cannot agree on a date, the Mediator shall select and set a date, or request the Court to set a date.**

It is FURTHER ORDERED that not less than three (3) days prior to the scheduled Mediation, the parties shall serve upon the Mediator a memorandum as specified by the Mediator. The memorandum shall not be made part of the Court's file in this case.

It is FURTHER ORDERED that the parties to this matter shall appear and attend the Mediation, and that any organization or agency party shall be represented by an officer or representative with authority and discretion to negotiate a settlement. No subpoenas, citations, writs or other process shall be served at or near the location of the Mediation upon any person entering, leaving or attending the Mediation.

It is FURTHER ORDERED that, upon completion of the Mediation, the Mediator is directed to advise this Court when the process was completed, whether the parties and their counsel appeared as ordered, and whether a settlement resulted. As provided by Texas Civil Practice and Remedies Code Annotated §154.053 and §154.073, all matters, including the conduct and demeanor of the parties and their counsel during the mediation process, are to remain confidential and will not be disclosed to anyone, including this Court. Except as may be permitted by Texas Civil Practice and Remedies Code Annotated §154.073, neither the Mediator nor the Mediator's files shall be subject to a subpoena or to a request for production filed by any person.

It is FURTHERED ORDERED that, unless otherwise ordered by the Court, or the parties agree otherwise in writing, the Mediator's fees shall be borne equally by the parties, shall be paid by the parties directly to the Mediator and may, upon hearing, be taxed as costs of court.

**Mediation is an alternative to and not a substitute for trial. This matter will be tried if not settled.**

SIGNED and ENTERED this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Robert J. Kern, Presiding Judge