

Superior Court of New Jersey  
Law Division \_\_\_\_\_ County

Plaintiff, | Docket No:

v.

Defendant. |

CIVIL ACTION  
MEDIATION REFERRAL ORDER  
(No Stay of Discovery)

Pursuant to R. 1:40-1 et seq. IT IS on this day \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_\_ ORDERED that:

1. The parties and attorneys shall participate in mediation in good faith and with a sense of urgency. Failure to do so may result in an assessment of costs or other consequences.

REGARDING THE MEDIATOR SELECTION

2A. **PARTIES MAY SELECT A MEDIATOR WITHIN 14 DAYS.** If the parties designate a “party selected mediator” within 14 days of the entry of this order, lead plaintiff’s counsel shall provide to the CDR Point Person and the individual named in paragraph 2B below, in writing, the name, address, telephone and e-mail address of the selected mediator (fax or e-mail is acceptable). Names and addresses of the CDR Point Person may be found at njcourts.com under Civil Mediation Resources.

2B. \_\_\_\_\_ is appointed to mediate if parties do not timely designate a party selected mediator. Information regarding the appointed mediator may be obtained at njcourts.com, Civil Mediation Resources, under Civil Mediator Search.

REGARDING THE MEDIATION PROCESS

3A. The mediator shall notify counsel of the date and time for an organizational conference call to be conducted within 35 days of this order. The mediator shall explain the mediation process, set ground rules, facilitate focused information exchange, and identify those persons with negotiating authority needed by each side to participate in the mediation process in order to assist in effectuating a resolution of the case. In consultation with counsel, the mediator shall schedule the mediation session and may require the attendance of the person(s) with authority.

3B. Failure to participate in the conference call or attend the first mediation session may result in an assessment of costs or other consequences, pursuant to R. 1:2-4(a).

3C. Any party may withdraw from the mediation process after the expiration of the initial one-hour in-person mediation session. Withdrawal of one or more parties from the mediation shall not prevent the remaining parties from continuing the mediation.

3D. Lead plaintiff’s counsel shall be responsible for providing the mediator with an updated party/counsel list.

3E. **This referral to mediation DOES NOT STAY DISCOVERY.** Mediation under this order shall be completed by the discovery end date.

REGARDING MEDIATOR COMPENSATION

4. Compensation of party-selected or court-designated mediators shall be handled in accordance with the “Guidelines for the Compensation of Mediators” contained in Appendix XXVI of the Rules of Court. Mediators on the roster, whether party-selected or court-designated, shall serve without compensation for the first two hours, which shall include a mandatory organizational telephone conference with counsel and pro se parties and an in-person mediation session of a least one hour. The parties may select any mediator not on the Roster of Mediators and such non-roster mediator may negotiate a fee with the parties, but is bound by all other terms and conditions of this Order and the court’s mediation procedures.

5. Any inquiry regarding the mediation process or this order shall be resolved by the mediator in collaboration with the Mediator Facilitating Committee identified at:[http://www.judiciary.state.nj.us/civil/med\\_ment\\_comm\\_list.pdf](http://www.judiciary.state.nj.us/civil/med_ment_comm_list.pdf).

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, J.S.C.

Copies to:  
Court Designated Mediator  
All Parties or Counsel