UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

FILED
JAN 2 9 2001

LARRY W. PROPES, CLERK
CHARLESTON, SC

2:01MC5001

In Re: Standing Order to
Conduct Mediation

A mediation shall be completed in this matter in accordance with this Order. Upon completion of the mediation, counsel shall promptly advise the court in writing **only** that the mediation has occurred, the date of the mediation, whether the case was settled in whole or in part, and whether a trial is necessary.

Attorneys primarily responsible for handling the trial, parties and/or insurer representatives will full settlement authority[1] are **ORDERED** to be present in person and will be excused by the court only for good cause shown. Every person who is excused from attending in person must be available to participate by telephone, unless otherwise ordered. At the mediation, primary trial counsel, along with parties and/or their insurer representatives should be prepared to participate in a mutual, good faith effort to negotiate a fair and reasonable settlement. All necessary discovery must be completed prior to mediation. Lack of discovery or settlement authority is no excuse for failure to appear and/or participate. See Local Rule 16.09 DSC.

Communications made in connection with or during the mediation are confidential and protected by Federal Rule of Evidence 408, Local Rule 16.08(C), and Federal Rule of Civil Procedure 68. If a settlement is not reached at the mediation, settlement discussions are neither admissible at trial nor to be disclosed to the presiding judge, see Local Rules 16.08(C) and 16.10(H)DSC, except as allowed by Local Rule 26.05(F)DSC.

If any reason exists why any person, party, or counsel subject to this Order should not participate in this mediation, the court is to be promptly advised of these reasons in writing.

This Order has been mailed to all counsel of record and all *pro se* parties. Counsel are responsible for notifying and ensuring the presence of parties and/or insurer representatives as described above.

Any questions concerning the selection of a mediator or the mediation process generally should be referred to the court's ADR Program Director, Danny Mullis, at 843-579-1435.

AND IT IS SO ORDERED.

Charleston, South Carolina
January 29, 2001

Sol Blatt, Jr.
UNITED STATES DISTRICT JUDGE

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[1]"Full settlement authority" for the defendant means an individual who can decide to offer the plaintiff a sum up to the existing demand of the plaintiff or the policy limits of any applicable insurance policy, whichever is less. "Full settlement authority" for the plaintiff means the plaintiff himself or herself or a representative of the plaintiff who can make a binding decision on behalf of the plaintiff or plaintiffs.