

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FINAL REPORT OF MEDIATOR

Submission of this form to the Mediation Office is the last step in the SDNY mediation process. Interim reports, including information about scheduling additional sessions, or post-session telephonic work with parties, should be sent via e-mail to mediationoffice@nysd.uscourts.gov. The survey on page 2 of this form must be completed with this report. The survey information is for Mediation Office use only, to assist us in making ongoing improvements to the program.

Docket Number: ____ cv _____ (____) (____)

Plaintiff(s): _____

Defendant(s): _____

Please take note that the court-ordered mediation in this case was:

1. Held and agreement was reached on all issues. The judge may wish to issue a “30 day order” under which the case is automatically closed in 30 days unless a party seeks to re-open the matter.
2. Held and agreement was reached on some, but not all, issues.
3. Held and agreement was reached as to some, but not all, parties.
4. Held but was unsuccessful in resolving any issue in the case. The Mediation Unit will consider the referral to be completed and close its files at this time but the judge may re-refer parties to mediation at any point.
5. Not held as parties represent that they have reached settlement on all issues. The judge may wish to issue a “30 day order” under which the case is automatically closed in 30 days unless a party seeks to re-open the matter.
6. Not held as a stipulation settling all of the issues of the case was entered into prior to mediation.
7. Not held as one or both parties failed, refused to attend, or refused to participate in the mediation.
8. Not held as the case was removed from mediation by the judge.

Name of Mediator (Print)

Signature

Date

Please Note: If you are filing a final report # 1, 2, 3, 5 or 6, please only answer questions 1 & 5.

Cause of Action: _____

Estimated Time Mediator Spent On: _____ Phone _____ In Person Session(s) _____ Preparation

Plaintiff's Last Demand (monetary/non-monetary): _____

Defendant's Last Offer (monetary/non-monetary): _____

1) Did you do...? (Check all that apply)

Pre-mediation conference call(s) with lawyers parties both

Mediation statements requested received reviewed

In-person mediation session(s) with lawyers parties both

Joint Session(s) Caucus Both

Check-in with parties regarding discovery prior to initial session

Mediator's proposal

OTHER:

2) If there was no resolution, what were the primary obstacles? (Check all that apply)

Additional documents/information needed

Participant(s) did not have authority to settle

Participant(s) did not complete limited discovery (as per protocol or by agreement of the parties)

Disagreement over value of the case

Dispute over matter of law facts both

Insurance representative opposed resolution

OTHER (e.g. resistant or difficult behavior from lawyers or parties):

3) If there was not a complete resolution, what do the parties plan to do next? (Check all that apply)

Motion (Dismiss/Summary Judgement/Other)

Continue discovery

Judicial settlement conference

Rule 68 Offer of Judgment

OTHER:

4) If there was not a complete resolution, was any other progress made? Describe:

5) Any lessons from this mediation that would be useful for the Mediation Office to consider in order to improve program design and/or mediator trainings?