STATE OF NORTH CAROLINA

GASTON COUNTY

File No. 15-CVS-003203

In the General Court of Justice
Superior Court Division

Name Of Plaintiff(s)
DEITZ,DAN,et al. (if applicable)

Name Of Plaintiff's Attorney(s) * See Certificate of Service
ELLIOT ENGSTROM
100 S Harrington St
Raleigh, NC 27603, et al.

FILED
2015 DEC 15 P 12:35
GASTON CO. C.S.C.

ORDER FOR MEDIATED SETTLEMENT CONFERENCE IN SUPERIOR COURT AND TRIAL CALENDAR NOTICE

G.S. 7A-38.1; Rules 1 and 2 of Mediated Settlement Conferences

Deadline For Completion Of Mediated Settlement Conference: 04/15/2016

VERSUS

Mediator Selection Deadline: 01/05/2016

Name Of Defendant(s)
BELMONT CITY OF,et al. (if applicable)

Name And Address Of Other Interested Party(ies) And Possible Lienholders

Name Of Defendant's Attorney(s) * See Certificate of Service
BRAD KLINE
227 W Trade St Suite 600
Po Box 30787
Charlotte, NC 28230, et al.

Name And Address Of Attorney(s), If Applicable

In accordance with the Rules Implementing Mediated Settlement Conferences, it is ORDERED that this case be referred to a mediated settlement conference, which shall be completed before the deadline shown above.

Within twenty-one (21) days after the date of this Order, the parties may, by agreement, select a certified mediator to conduct their mediated settlement conference. Within twenty-one (21) days after the date of this Order, the plaintiff or plaintiff's attorney shall notify the Court of the selection of a certified mediator. Notice shall be on form AOC-CV-812. (Fillable form *http://www.nccourts.org/Forms/Documents/313.pdf*)

As an aid to mediator selection, the NC Dispute Resolution Commission maintains a list of certified superior court mediators on its website: *www.nccourts.org/Citizens/Cprograms/MSC/Mediators/Default.asp* *(You may search for mediators by name of mediator, by city, or by court district. Once a mediator's name appears on your screen, click on it for a complete contact and availability listing.)*

A mediator selected by agreement of the parties shall be compensated at the rate agreed upon between the mediator and the parties. A court-appointed mediator shall be compensated at the rate of $150 per hour for time spent in the mediated settlement conference, to be billed in quarter-hour segments. The conference fee shall be paid as provided for in Rule 7.F. In addition, a $150 administrative fee shall be paid pursuant to Rule 7.B.

All persons required by Rule 4.A(1) to attend the conference shall be physically present unless such physical presence is excused pursuant to the agreement of all parties and persons required to attend and the mediator or by an order of the Senior Resident Superior Court Judge, upon motion of a party and with notice to all parties and persons required to attend and the mediator.

The mediator shall schedule the date, time and location of the conference and timely notify all attorneys and unrepresented parties. The conference shall be completed by the deadline for completion set forth above and the mediator shall report the results on form AOC-CV-813 to the court within ten (10) days after the conference is completed.

Date Of Order	*Name Of Senior Resident Superior Court Judge (Type Or Print)*	*Signature Of Senior Resident Superior Court Judge*
12/15/2015	Jesse B. Caldwell, III	

TENTATIVE CALENDARING NOTICE

[This section is optional, to be used at the discretion of the Senior Resident Superior Court Judge; however, mediated settlement not delay other proceedings, including trial (Rule 3E).]

Parties notified of the following tentative calendaring schedule adopted by the Court. Final calendar notice will be provided through a published calendar, should settlement not be reached.

Tentative Date for Hearing Of Motions

Original –File Copy-Plaintiff Copy-Defendant Copy-Mediator

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27-A JUDICIAL DISTRICT – GASTON COUNTY

This Case Has Been Selected To Be In The Mediated Settlement Conference Program

Step 1. The plaintiff's attorney, or unrepresented party, has been sent a Designation of Mediator form (27A-CV-812). The plaintiff attorney is to consult with all opposing counsel to mutually select a mediator. The completed and signed Designation of Mediator form must be returned to the TRIAL COURT COORDINATOR'S OFFICE, 325 Dr. Martin Luther King, Jr. Way, Suite 4135, Gastonia, NC 28052-2331 on or before 5:00 PM of the 21st day after the date the Order for Mediated Settlement Conference was signed. The list of mediators is included in this packet. Should the form not be returned by **5:00 PM on the 21st day,** the court will appoint a certified mediator.

Step 2. The mediator will contact you to make all necessary arrangements as to the date and location of the mediated settlement conference.

Step 3. Reporting Full or Partial Settlement Agreement to the Trial Court Coordinator
The attorney of record, or unrepresented party, must notify the Trial Court Coordinator at (704) 852-3170, within twenty-four (24) hours of settlement agreement.

Step 4. Reporting Unsettled Cases to the Trial Court Coordinator
For cases that did not fully settle during the mediated settlement conference process, the attorney of record, or unrepresented party, must notify the Trial Court Coordinator at (704) 852-3170, within twenty-four (24) hours of the settlement agreement from when impasse was declared.

Step 5. Scheduling Unsettled Case for Trial
Cases that did not fully settle during the mediated settlement conference process are to be scheduled for the next printed trial calendar which shall be no less than four (4) weeks from the date impasse was declared.

Step 6. The settlement conference process must be completed on or before the date listed on the Order of Mediated Settlement Conference and Trial Calendar Notice form.

Step 7. All communications concerning mediated settlement conferences in this judicial district are to be addressed to:

Trial Court Coordinator
325 Dr. Martin Luther King, Jr. Way
Suite 4135
Gastonia, NC 28052

Telephone Number: 704-852-3170
FAX Number: 704-852-3125

STATE OF NORTH CAROLINA

_____ County

File No.

In The General Court Of Justice
Superior Court Division

Name Of Plaintiff(s)	
Name And Address Of Plaintiff's Attorney (Or Pro Se Plaintiff's Address)	
Telephone No.	FAX No. (if applicable)
Plaintiff's Attorney's Email Address (Or Pro Se Plaintiff's Email Address)	

VERSUS

Name Of Defendant(s)	
Name And Address Of Defendant's Attorney (Or Pro Se Defendant's Address)	
Telephone No.	FAX No. (if applicable)
Defendant's Attorney's Email Address (Or Pro Se Defendant's Email Address)	

DESIGNATION OF MEDIATOR IN SUPERIOR COURT CIVIL ACTION

NOTICE:
Plaintiff's attorney should check and fill out only one of the two Sections, **sign below**, and return to the Senior Resident Superior Court Judge within 21 days after the date of the Order for Mediated Settlement Conference **and distribute copies as noted below**

G.S. 7A-38.1; Rule 2 of Mediated Settlement Conferences

Trial Date	Date Of Order Referring Matter To Mediation
Deadline For Completion Of Mediated Settlement Conference	
Tentative Trial Date	

☐ **SECTION 1 - NOTICE OF SELECTION OF CERTIFIED MEDIATOR BY AGREEMENT**

The above named case was referred to a mediated settlement conference. The parties have selected the mediator named below who has agreed to serve in this case and is certified pursuant to the Rules Of Mediated Settlement Conferences.

Name And Address Of Certified Mediator	Telephone No.
	FAX No. (if applicable)
Mediator's Email Address	

The parties and the mediator have agreed upon the mediator's rate of compensation as follows: *(specify all terms of the compensation agreement.)*

_____

_____

_____

NOTE: *As an aid to mediator selection, the NC Dispute Resolution Commission maintains a list of certified superior court mediators at www.ncdrc.org. Click on "List of Mediators" from the left-hand menu then click on "Mediated Settlement Conference Program." You may search for mediators by name or by judicial district. Once a mediator's name appears on your screen, click on it for a complete contact and availability listing.*

☐ **SECTION 2 - MOTION FOR COURT APPOINTMENT OF MEDIATOR**

The above named case was referred to a mediated settlement conference.

After a full and frank discussion, the parties have been unable to agree upon the selection of a mediator and move the Senior Resident Superior Court Judge to appoint a certified mediator to conduct their conference.

Date	Name Of Attorney (Or Pro Se Party)	Signature Of Attorney (Or Pro Se Party)

Original-File Copy-Senior Resident Superior Court Judge or his/her designee
Copy-Plaintiff Copy-Defendant Copy-Mediator

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(Over)

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Revised: 12/14/2015