September 1, 2020

**BY EMAIL: mediation-participant@legal.com; another-lawoffice@anotherlaw.com; ORIGINAL BY U.S. MAIL**

Mediation Participant, Esq.

MEDIATION PARTICIPANT & ASSOCIATES, PSC

1000 South Main Street, Suite 1A

Louisville, Kentucky 40202

Another Mediation Participant, Esq.

ANOTHER MEDIATION PARTICIPANT LAW OFFICE

1000 North Main Street, Suite 9B

Louisville, Kentucky 40202

Re: **Mediation:**

Jane Doe, and JANE DOE'S COMPANY -vs-

AN ORIGINAL INSURANCE COMPANY, et al.

Jefferson Circuit Court, Division Fifteen (15)

Honorable Hope Pleasant

No. 18-CI-009999

Dear Mediation Participant:

Thank you for requesting that I assist in mediating the above-referenced matter. The mediation session has been scheduled for **January 1, 2020**, beginning at **9:00 A.M.** at the offices of Mediation Participant & Associates, PSC, at 1000 South Main Street, Suite 1A, Louisville, Kentucky 40202. I do not set a specific number of hours for the mediation session, and I have no conflicts the rest of the day scheduled for this mediation.

Enclosed is a Mediation Agreement and Release which I will ask you and your clients and/or representatives to sign at the beginning of the mediation. I would appreciate your having your client/representative review this before the day of the mediation, along with a copy of this letter. If you or your client/representative does not agree with any provision of the Mediation Agreement and Release, please let me know as soon as possible.

“Mediation” is an informal and non-adversarial process with the objective of helping disputing parties reach a mutually acceptable agreement on all or part of the issues in dispute. The mediator does not give legal or financial advice and makes no decisions. Decisions are made by the parties. The mediator’s goal is to help the parties reach an agreement which is acceptable to them.

The parties and/or the person with the authority to settle the case should attend the mediation with counsel. Where a private party litigant has a family member or a friend who assists the party with important decisions, that person should also be present in person. In exceptional circumstances, and with agreement of all parties or their counsel, the individual with final settlement authority may be available by telephone, but that individual should be available for the opening session and the private sessions with that party’s counsel when the mediator is in the room. It is generally understood that the greatest success in mediations occurs when all decision makers are physically present for the session.

Counsel are encouraged to submit position statements and documentary evidence they may believe helpful to me before the mediation, which may include the legal and factual contentions of the respective parties as to both liability and damages; the factors considered in arriving at the current settlement posture and the status of the settlement negotiations to date. You may e-mail your position statement to me at **Bixler@loulaw.com (Cc: erica@loulaw.com)**. I ask that your position statement be emailed to me by August 31, 2020 at 9:00 A.M. Counsel can decide whether to exchange those statements before the mediation.

I will keep any pre-mediation information confidential unless its disclosure is specifically authorized by the counsel submitting the information. Similarly, ex-parte communications are permitted with the mediator before, during and after the mediation, and those communications will not be disclosed by the mediator unless authorized by the person making the communication.

Counsel are also encouraged to know the applicable insurance policy limits involved in the case; to be aware of the amount of any outstanding liens (and to have contact information for the lienholder available, if possible) and know the amount of special damages being claimed.

My hourly rate for mediations is $300.00 per hour. I do not charge for preparation time, mileage or parking expenses. I do not charge for travel time for mediations within Jefferson County, Kentucky, Clark or Floyd County, Indiana. I have an office space available located at 2721 Taylorsville Road, Louisville, Kentucky 40205, that can accommodate up to three (3) separate parties. If you wish to use my office space for your mediation, my rate for mediations is $350.00 per hour. My fee will be divided equally between the parties to the mediation unless agreed otherwise. The agreement for payment of my fees is with the attorneys requesting my services.

Thank you again for agreeing to use my services, and I look forward to working with you and your clients/representatives in reaching an agreeable result.

Very truly yours,

Bixler W. Howland

*Certified Civil Mediator*

BWH:ehm

Enc.