

December 1, 2023

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. 23-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, 2024**, beginning at **9:00 A.M.** in-person 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. It is generally understood that the greatest success in mediations occurs when all decision makers are physically present for the session or on the ZOOM 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 December 29, 2023 at 9:00 A.M. Counsel can decide whether to exchange those statements before the mediation. If there are terms that are to be included in a settlement agreement, such as “confidentiality”, please inform me at the beginning of 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 \$350.00 per hour. I charge for preparation time which includes pre-mediation conferences with attorneys. I do not charge for travel time or mileage for mediations within Jefferson County, Kentucky; Clark or Floyd County, Indiana. I do charge for parking expenses and mileage outside of the counties listed. 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.