

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR DADE COUNTY, FLORIDA**

CIRCUIT CIVIL DIVISION

**Case No. 2017-027307-CA-01
Judicial Section: CA 05**

TRIAL DATE: 06/10/2019

Patricia T. Rodriguez
Plaintiff(s),

v.

ORDER OF REFERRAL TO MEDIATION

Publix Super Markets, Inc. , et.al.
Defendant(s).

Pursuant to Chapter 44 of the Florida Statutes and Rules 1.700-1.760 Florida Rules of Civil Procedure, the above styled cause is hereby referred to mediation:

(1) Within fifteen days (ten days plus an additional five days for mailing) of this Order of Referral, the parties may mutually agree upon the designation of any certified mediator of their choice who shall be compensated at the mediator's customary rate per hour, or any other hourly rate agreed to by the parties. If able to agree, the plaintiff or petitioner shall, within the time period set forth above, file with the Clerk of the Court, and serve upon the parties, the agreed upon mediator, the Mediation/Arbitration Division of the 11th Judicial Circuit (address: MDCC, 155 NW 3rd Street, Suite 4330, Miami Florida 33128; telephone: (305) 679-1640), and the trial Judge's Judicial Assistant, a "Notice of Stipulation of Mediator" which shall identify the name, address, and telephone number of the mediator agreed upon. Upon filing the "Notice of Stipulation of Mediator", said Mediator shall be deemed designated to mediate without further Order of Court.

(2) In the event the parties are unable to agree upon the selection of a mediator within the specified period, the plaintiff or petitioner shall make a "Request for Appointment of Mediator" from the Mediation Division within five (5) days thereafter, certifying that notwithstanding a good faith effort to agree, the parties were unsuccessful in so doing and requesting said Division to select the next available mediator from the rotating list of Certified Mediators. Said "Request for Appointment of Mediator" shall be filed with the Clerk of the Court and copies shall be served upon the Mediation Division, all parties, and the trial Judge's Judicial Assistant. The Division shall make said selection and file with the Clerk of the Court a "Notice of Designation of Mediator". The "Request for Appointment" shall be accompanied by a sufficient number of stamped addressed envelopes in order for the Division to serve the "Notice of Designation of Mediator" upon the parties, the selected mediator and the trial Judge's Judicial Assistant. Upon filing of the "Notice of Designation of Mediator", the Mediator selected by the Division shall be deemed designated to mediate without further Order of Court.

(3) Any Mediator selected from the Division's mediation wheel pursuant to paragraph (2) above, shall be compensated at a rate of \$125.00 per hour, (unless otherwise agreed to by the Mediator and parties), with a two (2) hour minimum, to be divided equally between all of the parties. This minimum two (2) hour fee shall be paid at least seven (7) days prior to the scheduled mediation conference, and the balance of the fee, if any, shall be paid at the conclusion of the conference. Counsel for the respective parties are responsible for financial

arrangements with their clients and timely payment of mediation fees. The mediation conference shall not exceed (3) three hours, unless the parties otherwise agree and participate longer.

(4) The appearance of counsel, and each party or representative of each party with authority to enter into a full and complete compromise and settlement, without further consultation, is mandatory. If insurance is involved, an adjuster with authority up to the policy limits or the most recent demand, whichever is lower, shall attend.

(5) Written notice to the Mediator of any change or cancellation of the scheduled mediation conference must be given at least 72 hours prior to said conference. Failure to do so shall result in the imposition of the two (2) hour minimum fee paid by the canceling party to the Mediator, unless the Court orders otherwise for exceptional circumstances beyond the parties' control or the Mediator agrees to waive same.

(6) The parties and designated Mediator are ordered and directed to proceed with mediation in accordance with the Rules of Civil Procedure, which mediation shall be held prior to commencement of the trial period. If any of the parties fails to comply with the obligations set forth herein to ensure that mediation is accomplished expeditiously, the court may, on its own Motion or on Motion of any party, dismiss the case, strike pleadings, enter default, remove the case from the trial calendar, or impose any other sanctions that it may deem appropriate under the circumstances.

DONE AND ORDERED in Chambers, at Miami, Dade County, Florida, on 17th day of January, 2019.

Miguel M. de la O / pg

Signed at Judge's direction
eSigned by Patsy Garbalosa in 2017-027307-CA-01
on 01/17/2019 08:01:03 pcQ9dPrL

Miguel M. de la O
CIRCUIT COURT JUDGE

No Further Judicial Action Required on THIS MOTION. CLERK TO RECLOSE CASE IF POST JUDGMENT.

Copies furnished to: Mediation Division

Electronic Service List:

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Mailing Service List:

If you are a person with a disability who needs any accommodation to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Dade County Court's ADA Coordinator at 175 West Flagler, Room 2700, Miami, FL 33128, telephone numbers (305) 349-7175 for voice or (305) 349-7174 for TDD and (305) 349-7355 for fax, within 2 working days of your receipt of this Order of Referral to Civil Mediation. TDD users may also call 1-800-955-8771, for the Florida Relay Service.