

CAUSE NO. D-184425

BEAUMONT HERITAGE SOCIETY, ET AL

IN THE DISTRICT COURT OF

VS.

JEFFERSON COUNTY, TEXAS

DR. CARROL THOMAS, ET AL

58<sup>TH</sup> JUDICIAL DISTRICT

**MEDIATION ORDER**

This case is hereby **ORDERED** to mediation, beginning on or before September 8, 2009. If the parties cannot agree on a date and location, the parties must notify the Court and the date and location will be set by the Court. The Court hereby appoints Marsha Normand as mediator, 2579 Liberty, Beaumont, TX 77702, (409) 839-4544, Fax: (409) 839-4313.

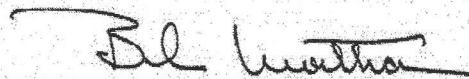
**ALL ATTORNEYS OF RECORD ARE ORDERED TO ATTEND. ALL INDIVIDUAL PARTIES, EITHER PLAINTIFF OR DEFENDANT, ARE ORDERED TO ATTEND. A PARTNER, PRINCIPAL, OR OFFICER OF EACH NON-INDIVIDUAL PARTY IS ORDERED TO ATTEND; THE PERSON SO ATTENDING MUST BE ONE VESTED WITH THE AUTHORITY TO ENTER INTO A FINAL SETTLEMENT AGREEMENT. IF THERE IS INSURANCE, A PERSON WHO HAS AUTHORITY TO DECIDE WHETHER INSURANCE PAYMENTS WILL BE MADE MUST ATTEND.**

The parties are further **ORDERED** to BE PREPARED IN ADVANCE for the mediation. Without limiting the generality hereof, this includes the following requirements:

- 1) All documentary evidence of special damages must be obtained and presented at or in advance of the mediation.
- 2) In cases involving medical treatment, all medical records of such treatment must be obtained and presented at or in advance of the mediation.
- 3) The parties shall prepare and present a written synopsis of the facts and arguments in support of their claims and defenses, at or in advance of the mediation.

Counsel shall negotiate openly and knowledgeably; failure to be prepared and to negotiate knowingly and in good faith, may be treated as contempt. All individuals ordered to attend, must remain in attendance until the mediator declares the mediation concluded, subject only to recesses as declared by the mediator. Failure to appear or to remain without timely seeking relief may be sanctioned as contempt. All settlement discussions shall be subject to Texas Rule of Evidence 408 and Tex. Civ. Prac. & Rem. Code 154.073. The mediation shall be governed by the Rules for Mediation attached hereto.

Signed this 6<sup>th</sup> day of August 2009.



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JUDGE PRESIDING