

12/31/2019 AV

PROPERTY OWNERS ASSOCIATION OF ARUNDEL ON THE BAY INC, et al.  
*Plaintiff(s)*

\* IN THE  
\* CIRCUIT COURT

v.

\* FOR

MAURICE B TOSE, et al.

\* ANNE ARUNDEL COUNTY

*Defendant(s)*

\* CASE NO. C-02-CV-19-003640

\* \* \* \* \*

**ORDER FOR MEDIATION**

This Order is your official notice of dates and requirements regarding mediation. It is this 30th day of December, 2019, **ORDERED, that:**

It is the policy of this Court to encourage and promote the early and effective use of Alternative Dispute Resolution (ADR).

The Court having concluded that this case may benefit from the mediation program of this Court, it is ordered that this matter be referred to:

Mediator: Kristin Leclair Zurowski, Esquire  
1252 Chesapeake Drive  
Churchton, MD 20733  
202-441-5157

**The parties shall attend one (1) mediation session with the mediator, approximately two (2) hours in length. Deadline to complete mediation: 06/29/2020**

**The cost of mediation shall be equally divided between the parties. The cost of mediation is \$ 200.00 per hour (total of \$ 400.00). Full payment per party shall be made to the mediator at the beginning of the session. Failure to attend mediation does not excuse payment of the fee for the missed session. FURTHERMORE, FAILURE TO ATTEND COURT ORDERED MEDIATION WILL RESULT IN POSSIBLE SANCTIONS AT THE PRETRIAL SETTLEMENT CONFERENCE.**

A. That the parties shall have at least one bona fide conference with the mediator, to be held no less than thirty (30) days before the Pretrial Settlement Conference. Within that time, other conferences may be scheduled at the discretion of the mediator.

B. That all discovery necessary to make the mediation meaningful must be completed by the mediation date unless all counsel and the mediator agree to proceed at the mediation date without discovery having been completed. If counsel anticipate that the

discovery will not be completed by the mediation date, they shall notify the mediator at least ten (10) days in advance of the mediation date to determine whether counsel and the mediator can agree to hold the mediation without the completion of discovery. The discovery deadlines controlling in this case are set forth in the parties' Scheduling Order. The provisions herein are only intended to ensure that sufficient discovery is concluded prior to the mediation to ensure a meaningful conference.

C. That all parties and counsel must appear at the mediation. If there is insurance coverage and/or if settlement terms must be approved by a claims supervisor, claims committee, government official, or other individual or individuals, that person or those persons, with full authority, must appear and be prepared to discuss in good faith settlement of all issues. Failure to comply with this provision may result in the imposition of sanctions, including the assessment of counsel fees and costs, pursuant to MD Rule 2-508(e).

D. That a Settlement statement will be mailed to all parties or their counsel by the mediator. It shall be returned to the mediator fifteen (15) days before the scheduled mediation. This statement is confidential and is not to be served on the other side or filed with the Court.

That all proceedings at the conference, including any statements made or documents prepared for the conference by any party, attorney or other participant, are privileged and shall not be disclosed to the trial judge or construed as an admission against interest unless otherwise agreed. No party shall be bound by anything said or done at the conference unless a settlement is reached.

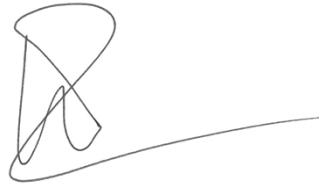
That if a settlement is reached at the mediation, the mediator shall advise the Court of the results by submitting to the ADR Coordinator the Civil Mediation Disposition Form within ten (10) days after the mediation. Additionally, the parties shall file a timely Stipulation of Dismissal or an Order of Satisfaction with the Court.

G. Plaintiff's counsel shall notify the mediator in writing of any postponements or newly named parties. **In the event a settlement agreement is reached or the case is dismissed prior to using the ADR services, counsel shall notify the mediator immediately.**

Pursuant to MD Rule 17-202(f), a party, within thirty (30) days after entry of this Order, may file an objection to the referral, an alternative proposal, or a "Request to Substitute ADR Practitioner" substantially in the form set forth in the Rule. If the Order for Mediation delegates authority to an ADR organization to designate an ADR practitioner, the objection, alternative proposal, or "Request to Substitute ADR Practitioner" shall be filed no later than 30 days after the party is notified by the ADR organization of the designation.

**If a party seeks to file a Fee Waiver, it must be filed within fifteen (15) days of entry of the Order for Mediation; or if the party was served after entry of the Order for Mediation, the Fee Waiver must be filed within fifteen (15) days of service of the Complaint/Petition in this case upon that party<sup>1</sup>.**

If an attorney and/or party fail to participate in alternative dispute resolution or other proceedings as ordered without having first obtained a postponement or other waiver of this Court, a Show Cause Order will be issued. A Show Cause Hearing will then be held to determine why sanctions should not be imposed on the offending party or counsel. Monetary or other sanctions may be imposed on any attorney or party who fails to comply with an order of this Court issued in accordance with the Civil Differentiated Case Management Plan.

A handwritten signature in black ink, appearing to read 'W. Mulford, II', with a long horizontal line extending to the right.

\_\_\_\_\_  
WILLIAM C. MULFORD, II, Judge  
Circuit Court for Anne Arundel County

Copies:  
Counsel  
Mediator

Order for Mediation: Approved August 2015

---

<sup>1</sup> **Mediation Fees for government entities, parties represented by Legal Aid Bureau, Inc., and Maryland Volunteer Legal Services are waived automatically.**