

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

Lemuel Cooper, et al.,

Plaintiffs,

vs.

Case No. 3:10-cv-280-J-34MCR

City of Starke, Florida, et al.,

Defendants.

ORDER

THIS CAUSE is before the Court on Defendants' Motion for Leave for Defendants' Insurance Adjustor to Attend Mediation via Telephone (Doc. 98) filed October 3, 2011. Plaintiffs filed their response in opposition to Defendants' Motion on October 9, 2011 (Doc. 102).

Pursuant to the Court's Case Management and Scheduling Order (Doc. 17) and Local Rule 9.05(c) of the Middle District of Florida, all parties shall be present at the Mediation Conference with full authority to negotiate a settlement unless otherwise excused by the presiding judge in writing. Here, Defendants' adjustor is requesting attendance of the Mediation Conference via telephone due to Travelers Insurance Companies' refusal to authorize his travel to Florida as part of its "cost-saving measures." (Doc. 98). This reasoning is insufficient.

This Court requires personal attendance at mediation conferences because it strongly believes that mediation conferences are most effective when attended

personally, rather than telephonically. See Rafer v. Pursley, 2009 WL 1913272 (M.D. Fla. July 1, 2009); see also Scott & Jones v. K.W. Max Investments, Inc., 2007 WL 80851 (M.D. Fla. Jan. 8, 2007). Additionally, all parties involved in this case, including the injured victim-plaintiffs, are required to travel to the mediation site from distant locations, regardless of cost. Defendants' Insurance Adjustor is a pertinent party to the mediation discussions and should be personally in attendance.

Accordingly, after due consideration, it is

ORDERED:

Defendants' Motion for Leave for Defendants' Insurance Adjustor to Attend Mediation via Telephone (Doc. 98) is **DENIED**.

DONE AND ORDERED in Chambers in Jacksonville, Florida this 11th day of October, 2011.

Monte C. Richardson

MONTE C. RICHARDSON
UNITED STATES MAGISTRATE JUDGE

Copies to:

Counsel of Record
Any Unrepresented Party