

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

BRIAN DODD,

Plaintiff,

v.

Case No. 8:12-cv-2054-T-33TGW

KELLY MATTHEWS, ET AL.,

Defendants.

ORDER APPOINTING MEDIATOR

This matter comes before the Court *sua sponte*. On April 12, 2013, this Court issued a Case Management and Scheduling Order, which, *inter alia*, referred this case to mediation and set January 7, 2014, as the deadline for mediation. (Doc. # 47). The Order also directed the parties to select a certified mediator and to file a Notice of Mediation within twenty-one (21) days of the date of the Order. (Id. at 2). However, the parties did not file a Notice of Mediation within twenty-one days as prescribed by the Order.

Accordingly, the Court entered a second Order on May 31, 2013, which provided the parties another chance to select a certified mediator and directed Defendants to file a Notice of Mediation on or before June 12, 2013, indicating the parties' selected certified mediator and the date, time, and location of the mediation conference. (Doc.

55). The Order further stated, "If the parties fail to select a mediator or do not notify the Court of such selection in a timely fashion, the Court will *sua sponte* and without further notice select an individual to serve as mediator and issue the appointment." (Id. at 2). Again, the parties have failed to provide a Notice of Mediation in the time frame prescribed by the Court's Orders.

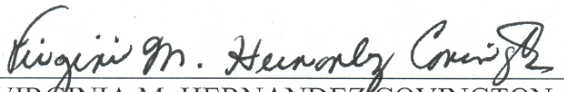
Therefore, in accordance with the rules governing mediation set forth in Chapter Nine of the Local Rules for the Middle District of Florida, it is *sua sponte* **ORDERED** that the following individual is hereby **appointed** by the Court to serve as Mediator in this action:

Name of Mediator: Peter J. Grilli, Esq.
Address: 3001 West Azeele Street
Tampa, Florida 33609
Telephone: (813) 874-1002

Defendants' counsel is directed to confer with all pro se parties and the mediator to schedule the mediation conference. Defendants' counsel is directed to file a Notice of Mediation on or before June 24, 2013, indicating the date, time, and location of the scheduled mediation conference. Failure to do so could result in the Court scheduling the mediation *sua sponte*.

The parties are directed to mediate in good faith and to fully and faithfully explore every settlement opportunity. Furthermore, the Court directs that all counsel, parties, corporate representatives, and any other required claims professionals shall be present at the mediation conference with full authority to negotiate a settlement. The Court does not allow mediation by telephone or video conference. Personal attendance is required. See Local Rule 9.05(c).

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 17th day of June, 2013.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies: All Counsel and Parties of Record

Mediator Peter Grilli, Esq.
3001 W. Azeele Street
Tampa, Florida 33609