

Memorandum of Understanding

The parties understand and agree that:

1. The parties desire to participate in facilitative non-binding mediation in an effort to amicably resolve the pending dispute. The cost of mediation shall be split 50/50 regardless of the outcome.
2. Three motions are pending:
 - a. Defendants' motion for summary judgment
 - b. Plaintiffs' motion for summary judgment
 - c. Plaintiffs' motion to amend the complaint
3. All briefing and court consideration of the pending motions shall be stayed.
4. If mediation is successful, the case shall terminate as determined by mutual agreement.
5. If mediation is not successful, the parties shall return to court and the court shall direct that briefing be completed on the pending motion to amend the complaint as it now stands unless the Plaintiffs withdraw their motion. The court will also address the summary judgment motions.
6. The court may pursuant to the Rules of Federal Procedure and to a time table to be issued by the court direct actions other than deciding the motion to amend, as the court sees fit under circumstances that have emerged subsequently.
7. The parties' counsel shall agree on a mediator by **October 20, 2017**; if they cannot agree, they shall notify the court by that date and the court shall appoint a mediator.
8. Mediation shall occur during the period of Nov. 28-30, as the parties and their counsel are available. If for some reason the selected mediator cannot hold the session during that time, it can be held in early December 2017.
9. The mediator shall determine how many members from each party need to attend. The court has indicated that each party must have at least one member present who is vested with absolute settlement authority.



For Plaintiffs



For Defendants



Date