

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

52 SOLUTIONS, LLC,

Plaintiff,

vs.

**JEFFERSON BEACH YACHT
SALES, INC., ET AL.,**

Defendants.

2:19-CV-13172-TGB-EAS

**ORDER REQUIRING
MEDIATOR TO RESPOND TO
THE COURT**

On April 21, 2021, the Court held a status conference with the parties to discuss their recent mediation session conducted at the direction of the Court. The mediation occurred on April 16, 2021 before Mr. Ford Fegert, Esq., a maritime law expert and mediator located in Vero Beach, Florida. ECF No. 50.

During the status conference before this Court, the parties gave irreconcilably different accounts of what occurred at the mediation. Defense counsel stated that the Plaintiff refused to make any demand and Defendants were therefore unable to make any counteroffer; Plaintiff's counsel represented it made a demand but Defendants refused to make any counteroffers in response.

In light of its obligations to ensure both that the parties engage in mediation in good faith and that they respect their professional obligations of candor to the judiciary, the Court finds it necessary to inquire of Mediator Fegert whether a demand was made by Plaintiff and whether counteroffers were presented by Defendants. Acknowledging the mediator's duty of confidentiality, the Court does not seek to compel disclosure of the content of any specific communications counsel may have made during the mediation, but rather only whether any demand was made or counteroffers given.

Accordingly, **IT IS HEREBY ORDERED**, that if the Court makes inquiry of Mediator Fegert on this limited issue only, Mediator Fegert shall be authorized to make and shall make answer to the question of whether Plaintiff made a demand and whether Defendants made any counteroffer during the mediation, but that he need not disclose any specific statements of the parties or the substance of their positions.

SO ORDERED, this 27th day of April, 2021.

BY THE COURT:

/s/Terrence G. Berg
TERRENCE G. BERG
United States District Judge