

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF PENNSYLVANIA

ELIZABETH MORT and ALEX  
RODRIGUEZ,

Civil Action No. 2:10-cv-01438-DSC

Plaintiffs,

JUDGE DAVID S. CERCONO

vs.

*Electronically Filed*

LAWRENCE COUNTY CHILDREN  
AND YOUTH SERVICES; LAWRENCE  
COUNTY; CHRISSY MONTAGUE,  
Lawrence County Children and Youth  
Services Caseworker; and  
JAMESON HEALTH SYSTEM, INC.

Defendants.

**JURY TRIAL DEMANDED**

**STIPULATION SELECTING ADR PROCESS**

Counsel report that they have met and conferred regarding Alternative Dispute Resolution (ADR) and have reached the following stipulation pursuant to L.R. 16.2 and the Court's ADR Policies and Procedures.

**I. PROCESS**

Select one of the following processes:

**Plaintiffs seek Mediation, Lawrence County defendants seek Early Neutral Evaluation, defendant, Jameson Health System, Inc., is agreeable to either form of ADR.**

- Mediation
- Early Neutral Evaluation (ENE)
- Court sponsored Binding<sup>1</sup> Arbitration
- Court sponsored Non-binding Arbitration
- Private ADR (please identify process and provider)
- Other (please identify process and provider) \_\_\_\_\_

**\*If you are utilizing a private process, be advised that the case is still governed by the Court's ADR Policies and Procedures. It is the responsibility of counsel to ensure that all of the proper forms are timely submitted and filed, as required by Policies and Procedures.**

<sup>1</sup>For binding arbitration, please complete form "Stipulation to Binding Arbitration" located on the Court's website at [www.pawd.uscourts.gov](http://www.pawd.uscourts.gov)

## II. COSTS

The parties have agreed to share the ADR costs as follows (do not complete percentages for court sponsored arbitration. For that process costs are paid by the court in accordance with 28 USC §658.):

**Plaintiffs seek one-third (1/3) division of costs whereas defendants seek fifty-fifty (50/50) split of costs.**

\_\_\_\_\_ % by Plaintiff  
\_\_\_\_\_ % by Defendant

If a dispute arises as to compensation and costs for the mediator/neutral evaluator/private arbitrator, the Court will set reasonable compensation and costs.

## III. NEUTRAL

The parties hereby designate by agreement the following individual(s) to serve as a Neutral in the above-styled action:

Name of Neutral: Mark R. Hornak, Esquire  
Address of Neutral: 301 Grant Street, 20<sup>th</sup> Floor, Pittsburgh, PA 15219  
Telephone & Fax Numbers: Telephone: (412) 562-8859 & Fax: (412) 562-1041  
Email address of Neutral: mark.hornak@bipc.com

Name of Neutral: Maria Greco Danaher, Esquire  
Address of Neutral: 444 Liberty Avenue, Suite 400, Pittsburgh, PA 15222  
Telephone & Fax Numbers: Telephone: (412) 394-3390 & Fax: (412) 232-1799  
Email address of Neutral: maria.danaher@ogletreedeakins.com

The parties represent that they have contacted the selected prospective neutral and have determined that the neutral is available to conduct the ADR session within the time prescribed by the Court's Policies and Procedures and that the neutral does not have a conflict.

## IV. PARTICIPANTS

Name of the individual(s) who will be attending the mediation or early neutral evaluation session in accordance with Sections 3.8A and 4.10A of the Court's ADR Policies and Procedures:

For Plaintiffs: **Elizabeth Mort and Alex Rodriguez**

For Lawrence County Defendants: **Chrissy Montague and Sandy Copper, Supervisor, Lawrence County Children and Youth Services and Tessa Kelley, a representative of the Pennsylvania Counties Risk Pool**

For Defendant, Jameson Health System, Inc.: **Rachel Verdi, Risk Manager, and JoAnn Ciminaro of CHART Insurance**

If there is insufficient space to list all parties who will be attending the session, please add additional sheets as necessary.

Each party certifies that the representative(s) attending the ADR session on its behalf has full and complete settlement authority.

**V. ACKNOWLEDGMENT**

We, the undersigned parties to this action, declare that this stipulation is both consensual and mutual.

Dated: February 9, 2011                      s/Quinn A. Johnson  
Attorney for Plaintiffs

Dated: February 9, 2011                      s/Richard J. Kabbert  
  
s/Marie Milie Jones  
Attorney for Defendants