

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

ALFONSO PERCY PEW, also known)	
as SEHU-KESSA SAA TABANSI,)	
)	Civil Action No. 14-984
Plaintiff,)	
v.)	District Judge David S. Cercone
)	Magistrate Judge Lisa Pupo Lenihan
JOANNE TORMA, et al.,)	
)	
Defendants.)	

ORDER REFERRING CASE TO MEDIATION

After due consideration of the issues, the Court finds that this case is appropriate for referral to mediation. Therefore,

IT IS HEREBY ORDERED that this case is referred to the Pro Se Prisoner Mediation Program.

The intent of the program is to benefit plaintiffs by providing a speedier resolution of disputes, and to benefit defendants by reducing the cost of litigation. Mediation is a form of Alternative Dispute Resolution (ADR) that attempts to settle disputes by finding a common ground that both sides can agree to. The Mediation Council of Western Pennsylvania, an organization of professional mediators not affiliated with the Court, will arrange for a mediator free of charge. The mediator is a trained, neutral third party, who will assist both parties in attempting to settle the case without further court proceedings. During the mediation, a representative of the defendants must be present; however, the individuals named as defendants are not required to be present. Everything discussed in the mediation is completely confidential and may not be raised or used by any party in the event that settlement is not reached. Every effort will be made to schedule the mediation promptly. Plaintiff will participate either telephonically or via video conference at his place of confinement. A notice will be sent to the parties as to the date of the mediation.

IT IS FURTHER ORDERED that no later than **November 21, 2014**, the parties shall submit a confidential mediation statement to:

Prisoner Mediation Program Coordinator c/o Clerk of the Court
United States District Court
700 Grant Street, Suite 3110
Pittsburgh, PA 15219
(fax # 412-208-7517)

A form mediation statement is included with this Order for the plaintiff's benefit and use. The mediation statement shall not become part of the file of the case, but shall be for the exclusive use of the mediator in preparing for and conducting the mediation.

The Defendant's mediation statement shall contain a specific recitation of the facts, a discussion of the strengths and weaknesses of the case, the parties' position on settlement, including a present settlement proposal. Legal arguments are not to be included unless they are critical to the evaluation or settlement of the case and, if included, should be limited to basic legal arguments. The statement should not be more than 5 pages. Copies of any agreements, business records, photographs or other documents or exhibits may be attached to the mediation statement if critical to the negotiations. The statements ***should not*** be filed with the Clerk of Courts, but should be mailed or faxed to the address above. Copies of the mediation statement ***shall not*** be provided to the other parties in the case and will not become part of the case docket. Be advised that both statements are confidential and will not be filed, or shared, or disclosed to the Court or the other side. The ADR Administrator will forward the statements to the Mediation Council, who will then schedule the mediation conference. All mediation statements are destroyed after the mediation.

Dated: November 10, 2014

/s/ Lisa Pupo Lenihan
United States Magistrate Judge

cc: Alfonso Percy Pew
BT-7263
301 Morea Road
Frackville, PA 17932

Counsel of Record