

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

SHERRELL MARIE GATEWOOD,

Plaintiff,

v.

Case No. 06-2570-JWL

UNITED STATES POSTAL SERVICE,
et al.,

Defendants.

ORDER SETTING MEDIATION

A mediation session is scheduled at **1:30 p.m. on Monday, December 17, 2007**, before Judge Gerald L. Rushfelt in Room 628, Robert J. Dole United States Courthouse, 500 State Avenue, Kansas City, Kansas.

The purpose of mediation is to permit an informal discussion between the attorneys, parties, and the mediator of every aspect of the litigation bearing on its settlement value, thus, permitting the mediator to privately express his views concerning the actual dollar settlement value or other reasonable basis for disposition of the case.

The parties shall submit directly to the mediator statements setting forth their positions concerning factual issues, issues of law, damages or relief requested, together with summary of evidence to be offered at trial. The statement should not exceed five pages in length, it may or may not be shared with opposing counsel, but is not to be filed as a part of the record in this case. **Such statements shall be submitted to the mediator no less than five days prior to the conference.** Use of exhibits and demonstrative evidence at the conference is also authorized.

Prior to the mediation conference, counsel should discuss settlement with their respective clients and opposing parties should conduct serious settlement negotiations, so that the possibilities of settlement will have been fully explored in advance of the conference.

In addition to counsel who will try the case being present, a person with actual settlement authority for the parties must likewise be present. (A person with limited settlement authority does not meet this requirement.) If, for good reason, such persons cannot be present, advance approval must be secured from the court for a procedure where such persons are telephonically available, and opposing counsel should be advised of this development. The mediator may converse with the lawyers, the parties, or any one of them outside the hearing of the other.

Neither the settlement conference statements nor communications during the settlement conference with the mediator can be used by either party in the trial of the case. The mediator will not communicate to the trial judge the confidences of the conference.

Copies of this order shall be mailed to counsel of record for the parties and the mediator.

IT IS SO ORDERED.

Dated in Kansas City, Kansas on this 29th day of November 2007.

s/Gerald L. Rushfelt
Gerald L. Rushfelt
UNITED STATES MAGISTRATE JUDGE

cc: All counsel and *pro se* parties.