

IN THE CIRCUIT COURT, EIGHTH JUDICIAL CIRCUIT
IN AND FOR ALACHUA COUNTY, FLORIDA

GAINESVILLE CITIZENS CARE, INC.,

Plaintiff,

v.

CASE NO.: 2012-CA-1346
DIVISION: J

CITY OF GAINESVILLE, d/b/a
GAINESVILLE REGIONAL UTILITIES,

Defendant.

and

GAINESVILLE RENEWABLE ENERGY
CENTER, LLC,

Intervenor.

NOTICE OF MEDIATION CONFERENCE

PLEASE TAKE NOTICE that a Mediation Conference has been scheduled before the undersigned Mediator, for ***Thursday, November 15, 2012*** beginning at ***9:00 a.m. (3.5 HOURS RESERVED)***, in the offices of ***The Resolution Center, 4719 NW 53rd Avenue, Gainesville, FL 32653 (PLEASE REFER TO ATTACHED DRIVING DIRECTIONS – GPS & MAPQUEST WILL NOT GIVE YOU COMPLETE DIRECTIONS).***

The rules governing said Mediation Conference shall be as follows:

1. **Attendance at Mediation.** Appearances at mediation are controlled by Rule 1.720, Florida Rules of Civil Procedure. Effective January 1, 2012 an amendment to Rule 1.720 addresses mediation procedures including the definition of a party representative having full authority to settle, appearances at mediation by public entities, appearance by representatives of an insurance carrier, possible certification of authority filed by the parties prior to mediation, etc. Please see Rule 1.720, Florida Rules of Civil Procedure, regarding attendance requirements at mediation and related matters.

2. **Completion of Mediation.** The participants shall be prepared to spend as much time as is necessary to settle the case or until an impasse is declared by the Mediator. See Rule 1.710(a) Florida Rules of Civil Procedure regarding completion of mediation.
3. **Mediation Statement.** The parties shall present a brief written summary of the facts and issue to the Mediator **one week** before the Conference. Counsel for corporate parties will state the name and general job description of the employee or agent who will attend and represent the corporate party. The summaries need not be filed in the Court file. Such summaries greatly aid preparation for the mediation itself.
4. **Confidentiality.** All discussions, representations and statements made at the Mediation Conference shall be privileged as settlement negotiations, and nothing related to the Conference shall be admitted at trial or subject to discovery, subject to any court rules or statutes relating to mediation.
5. **Scheduling, Rescheduling and Cancellation.** Counsel for the Plaintiff is appointed as lead attorney to work with the Mediator and to coordinate the Mediation Conference. In the event it becomes impossible for an attorney to attend the Scheduled Conference, coordination for rescheduling may be done through the lead attorney to the Mediator. The lead attorney is responsible for immediately notifying the Mediator's Office if the case settled prior to the conference.
6. **Mediator Fees.** The Mediator shall be compensated at a rate of \$275.00 per hour for mediation involving two (2) parties, \$295.00 per hour for three (3) parties, \$305.00 per hour for four (4) parties or \$320.00 per hour for five (5) parties. The cost of the mediation shall be borne equally among parties. Parties represented by the same attorney and having similar legal and factual identities (e.g., husband/wife, employer/ employee) shall be treated as one party.
7. **Cancellation/Postponement Fee.** Although it is recognized a scheduled mediation may be cancelled or postponed, the timing is often such that it is impossible to refill the time originally scheduled even if the subject mediation itself is reset for a later date. A minimum charge may be assessed as follows:
 - (a) Cancelled/postponed with 21 calendar days, or less, notice: a minimum of 1 hour for a ½ day and 2 hours for a full day, plus .20 hours for administrative fee.
 - (b) Cancelled/postponed with 14 calendar days, or less, notice: a minimum of 1.5 hours for a ½ day and 3 hours for a full day, plus .20 administrative fee.
 - (c) Cancelled/postponed with 7 calendar days, or less, notice: a minimum of 2 hours for a ½ day and 4 hours for a full day. A one-half (1/2) hour administrative fee or file review fee may be added.
8. **Disproportionate Billing.** The Mediator will review all of the mediation statements, documents, and other materials provided by the parties. Parties


may be billed separately in disproportionate amounts for review of these materials if one party's submittal greatly exceeds in volume the materials submitted by other parties.

9. **Travel Charges.** Travel time may be charged at \$130.00 per hour plus mileage.
10. **Attendance by Telephone.** If a party or representative attends mediation by telephone that party should obtain agreement with all parties or the court to allow telephone attendance prior to mediation, otherwise, see Rule 1.720(b) Florida Rules of Civil Procedure as to physical presence at mediation. Absent agreement otherwise the individual attending mediation by telephone should call into the mediation venue or provide a toll free number or make prior arrangement for reimbursement of long distance telephone costs.
11. **Responsibility for Payment of Mediator Fees and Costs.** In the absence of prior written approval from the mediator, the attorney for each party shall be responsible for payment of any and all fees. If the fee is not guaranteed by counsel, counsel should collect a \$400.00 deposit from their respective clients and confirm in writing to the mediator that the deposit is available 3 business days before the scheduled mediation.
12. **Mediation Disposition Report.** Pursuant to Rule 1.730 Florida Rules of Civil Procedure the mediator shall report the parties reached agreement or did not reach agreement and/or may report matters referenced in Rule 1.730(a).
13. **Communication with Mediator.** Communication with the Mediator may be directed to:

Charles B. Carter, Esquire
Carter & Drylie, P.A. • The Resolution Center
4719 NW 53rd Avenue, Suite A • Gainesville, FL 32653
Telephone: (352) 381-9991 • Fax No.: (352) 381-8298
E-mail: cdpa@bellsouth.net

DATED this 18 day of October 2012.

THE RESOLUTION CENTER



CHARLES B. CARTER
Certified Circuit Civil Mediator & Arbitrator
4719 NW 53rd Avenue, Suite A
Gainesville, FL 32653
Telephone: (352) 381-9991
Fax No.: (352) 381-8298
Certification No. 18072CR
FL Bar No. 281840

Copies Furnished To:

Marcy I. LaHart, Esq.
marcy@floridaanimallawyer.com
4804 SW 45th Street
Gainesville, FL 32608-4922
Attorney for Plaintiff

David S. Dee, Esq.
ddee@gbwlegal.com
Gardner, Bist, Wadsworth,
Bowden and Bus
1300 Thomaswood R
Tallahassee, FL 32308-7914
Attorney for Plaintiff

John T. LaVia, III, Esq.
jlavia@gbwlegal.com
Gardner, Bist, Wadsworth,
Bowden and Bus
1300 Thomaswood R
Tallahassee, FL 32308-7914
Attorney for Plaintiff

Elizabeth A. Waratuke, Esq.
waratukeea@cityofgainesville.org
whitecg@cityofgainesville.org
City Attorney's Office
200 E University Avenue Room 425
Gainesville, FL 32601-5456
Attorney for Defendant

DIRECTIONS TO THE RESOLUTION CENTER
CARTER, DRYLIE & LITTLE, P.A.
4719 NW 53RD AVENUE, SUITE A, GAINESVILLE, FL 32653
(352) 381-9991

From Jacksonville:

1. Take I-10 West to Baldwin.
2. Take 301 South to Starke; continue South through Waldo. (**Do NOT speed in Waldo city limits**).
3. Veer **right** off 301 to S.R. 24 (just before overpass).
4. Continue South from Waldo towards Gainesville on S.R. 24.
5. Turn right (West) at traffic signal at NE 53rd Avenue. (If you see airport on your left you have gone too far).
6. Continue on 53rd Avenue approximately 5 miles to traffic signal at NW 43rd Street.
7. Continue through intersection (West 200 yards and turn **left** into rear shopping center (Publix) entrance.
8. After 15 yards, turn **right** into traffic circle for Bristol Park.

From Ocala/Lake City (I-75):

1. Exit #390 off I-75 (NW 39th Avenue).
2. Go **East** on NW 39th Avenue approximately 4 miles to NW 43rd Street traffic signal.
3. Turn **left** (North) onto NW 43rd Street. Go 1 mile to **second** traffic signal at NW 53rd Avenue.
4. Turn **left** (West) onto NW 53rd Avenue (McDonalds/Publix Shopping Center on left).
5. Go West on NW 53rd Avenue 200 yards, turn **left** into rear shopping center entrance.
6. After 15 yards, turn **right** into traffic circle for Bristol Park.

