

UNITED STATES OF AMERICA, *et al.*,

Plaintiffs,

*versus*

H. N. MCELROY, *et al.*,

Defendants.

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CIVIL ACTION H-00-1617

United States Courts  
Southern District of Texas  
ENTERED

MAR 07 2002

Mediation Order

Michael N. Milby, Clerk of Court

1. *Appointment.*

Under Local Rule 16, this case is referred for mediation:

James Greenwood  
1221 McKinney, Suite 3030  
Houston, Texas 77010  
Telephone: (713) 659-8466

Mediation is a mandatory, non-binding settlement conference to allow the parties to attempt to resolve their differences with the assistance of a neutral third party.

2. *Procedure.*

- A. Within five business days from the entry of this order, all counsel must contact the mediator to arrange the mediation. If there is no agreement, the mediator will select a date, and the parties must appear as directed by the mediator.
- B. Mediation must occur by April 22, 2002.
- C. All proceedings in a mediation are confidential and privileged. No subpoena, summons, or discovery paper shall be served on a participant en route to or from or at a mediation session.

34

D. Within ten days of the mediation, the mediator will file the memorandum required by Local Rule 16.4.K.2. No information about the mediation, other than that memorandum, may be given to the court by anyone.

3. *Requirements.*

A. Counsel and the parties will endeavor in good faith to resolve the case through mediation.

B. Each party must be present during the entire mediation. Individual parties must appear in person; others must appear by a principal, partner, officer, or other official with authority to negotiate and commit.

C. If insurance companies must be involved in a settlement, a representative from each company with authority to negotiate and agree must attend the mediation.

4. *Fee.*

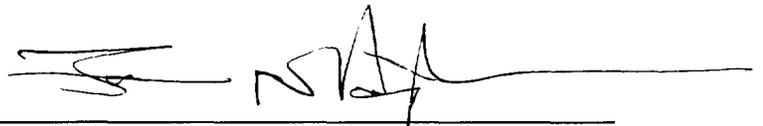
The mediator, in consultation with the parties, will determine the fee for the mediation. The parties will divide the fee equally per capita unless otherwise agreed. Fee disputes will be heard by the court by motion after the mediation.

5. *Schedule.*

All dates in the scheduling order are suspended. If mediation is unsuccessful, the court will enter a scheduling order.

Everything is stayed except for extraordinary emergency motions.

Signed March 6, 2002, at Houston, Texas.



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Lynn N. Hughes  
United States District Judge