

IN THE CIRCUIT COURT OF THE 16<sup>TH</sup>  
JUDICIAL CIRCUIT OF THE STATE OF  
FLORIDA, IN AND FOR MONROE COUNTY

ADMINISTRATIVE ORDER: 3.007

IN RE:

TERMINATION OF MANDATORY  
MANAGED MEDIATION PROGRAM  
FOR RESIDENTIAL MORTGAGE  
FORECLOSURE CASES

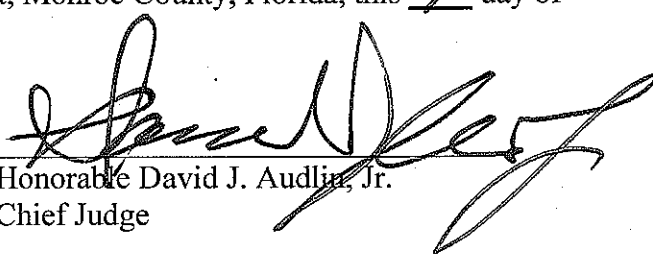
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WHEREAS, the Florida Supreme Court has issued Administrative Order SC11-44, *In Re: Managed Mediation Program for Residential Mortgage Foreclosure Cases* terminating the statewide managed mediation program for residential mortgage foreclosure cases effective December 19, 2011;

IT IS THEREFORE ORDERED THAT:

- A. The 16<sup>th</sup> Judicial Circuit's mandatory managed mediation program for residential mortgage foreclosure cases is terminated.
- B. No new cases may be referred to the managed mediation program, but cases already referred and pending as of the date of this Administrative Order will remain in the program through completion.
- C. Nothing in this Administrative Order prohibits a judge from referring residential mortgage foreclosure cases to mediation on a case by case basis. The 16<sup>th</sup> Judicial Circuit's Order of Referral to Mediation is hereby attached and may be used on a case by case basis and is subject to modification by the presiding judge.
- D. Administrative Order 3.005, *In Re: Case Management of Residential Foreclosure Cases and Mandatory Referral of Mortgage Foreclosure Cases to Mediation*, is hereby rescinded.

DONE AND ORDERED at Key West, Monroe County, Florida, this 9<sup>th</sup> day of  
January, 2012.

  
Honorable David J. Audlin, Jr.  
Chief Judge

IN THE CIRCUIT COURT OF THE 16<sup>TH</sup> JUDICIAL CIRCUIT  
IN AND FOR MONROE COUNTY, FLORIDA

Case No  
Division: KEY WEST CIRCUIT CIVIL

**(PROVIDE COMPLETE CAPTION)**

Plaintiff,

vs.

Defendant(s),

**ORDER SCHEDULING FORECLOSURE MEDIATION  
(COURT'S MOTION)**

The Court, having reviewed the file and circumstances of this case and having determined that mediation is appropriate, hereby Orders that this case shall be set for mediation. **The mediation must be scheduled and completed by \_\_\_\_\_.**

**Assignment of Mediator**

**The Court hereby assigns \_\_\_\_\_, a certified circuit civil mediator, to mediate this case.** This assignment is made from the Court's list of available mediators, on a rotating basis. Any objection to the assigned mediator must be made by written motion within 10 days of receipt of this Order, which motion must be set for hearing on the next available Open Motion Calendar of the presiding judge, for hearing, with proper notice to all parties, and upon Lourdes Leal, Mediation Coordinator, by telephone 305-853-7386, fax 305-853-7388 or in writing at 88820 Overseas Highway, Tavernier, Florida 33070. Hearings may be set by calling the Clerk's office at (305) 292-3458.

**Instructions for Plaintiff and Counsel**

**Plaintiff's counsel shall serve a copy of this Order on all parties within 10 days hereof.** Plaintiff's counsel shall then contact the assigned mediator and all parties within 20 days hereof (through their counsel, or if *pro se*, directly) to coordinate and schedule the mediation in compliance herewith. The mediation must be scheduled by and between the parties within the time specified by the Court.

**Instructions for the Mediator**

If unable to accept this case you must notify the Mediation Coordinator who will then assign the case to the next mediator on the list. **If Plaintiff's counsel fails to take the required action within the 20 day time period then the mediator shall set the mediation time and date in compliance with the deadline.** Upon scheduling the mediation proper notice must be sent to all parties involved including the Mediation Coordinator and the appropriate paperwork should be filed with the Clerk of Court. All mediators are required to submit a mediation report to Lourdes Leal, Mediation Program, Plantation Key Courthouse, 88820 Overseas Highway, Tavernier, Florida 33070 for statistical purposes, **immediately** upon the completion of mediation.

**Procedure for Relief from Mediation Order**

In the event any party wishes to be relieved from the requirements of this Order, such party should file and serve a motion within twenty (20) days of the date of this Order, with the following information:

1. Has the Defendant responded to the Complaint, and if not, has a Clerk's Default been obtained?
2. Have **bona fide** negotiations taken place between the parties, so that the probability of successful mediation is unlikely?

The motion (and any responses or opposition thereto) should be filed, served on all other parties, and a

courtesy copy delivered to the Judge's chambers. The moving party shall also supply a proposed order granting the relief sought, and pre-addressed, postage-paid envelopes, to all non-defaulted parties. If no written response in opposition is received by the Judge's office within 5 days of service, oral argument will be deemed waived, and the Court will enter its order forthwith.

**Rules for Mediation:**

The general rules governing the mediation conference are:

- A. **The appearance of all parties is mandatory. No telephonic appearances will be allowed.** A representative for the Plaintiff with full and complete authority to settle AND counsel shall be present.
- B. The mediation conference cannot be cancelled or rescheduled without further Order from the Court.
- C. The hourly rate for the mediation is \$150.00 per hour. The Plaintiff shall pay for the first two (2) hours in advance of the scheduled mediation. Failure by the Plaintiff to advance the sum required shall result in a violation of this Order and subject the Plaintiff to sanctions. If mediation exceeds 2 hours then any additional fees owed shall be borne equally by the parties. If the matter does not resolve at mediation, the mediation fee may be taxed by the court as a cost of litigation in the Final Judgment of Foreclosure.
- D. If a settlement is reached prior to the scheduled mediation it must be filed in writing with the Clerk of Court, and **the Mediation Coordinator and the Mediator must be notified immediately.** All appropriate paperwork must be filed with the Clerk of Court five (5) days prior to the scheduled mediation. The Plaintiff will be liable for a fee of \$300 if the mediation is cancelled with less than five (5) working days notice of the scheduled date.
- E. If a settlement is reached in mediation, it shall be reduced to writing in the presence of the mediator, signed by all parties or their counsel, and promptly submitted to the clerk's office and the undersigned judge. If an agreement is not reached, the mediator shall also **immediately** report, in writing to the undersigned judge, the mediation coordinator, and the clerk's office that no agreement has been reached.
- F. If the Defendant(s) fail to appear at a properly noticed mediation or if the matter impasses after mediation, the matter may be promptly noticed for Final or Summary Judgment, provided all requirements of F.R.C.P. 1.510 have been met.
- G. All provisions contained in this order may be enforced by contempt proceedings or other appropriate sanctions.

DONE and ORDERED in Chambers, at Key West, Monroe County, Florida, this \_\_\_\_\_ day of March, 2009.

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DAVID J. AUDLIN, JR.  
CIRCUIT JUDGE

**Order Scheduling Foreclosure Mediation**

**Case No.:**

Service List:

Plaintiff's Counsel

Defendant's Counsel

Lourdes Leal

Mediator

Mediation Program

Plantation Key Courthouse

Interoffice Mail

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Cheryl Alfonso, 302 Fleming Street, Key West, FL 33040 or (305)292-3423 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days. If you are hearing impaired or voice impaired, please call 711.