

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
[Name of Division] DIVISION**

In re:

Case No. *[Case Number]*

[Debtor Name],

Debtor.

[Plaintiff/Movant Name],

Plaintiff(s)/Movant(s),

v.

Adversary No. *[Case number]*

[Defendant(s)/Respondent(s) Name],

Defendant(s)/Respondent(s).

**ORDER AUTHORIZING AND DIRECTING MEDIATION
AND APPOINTING SETTLEMENT JUDGE**

The parties have requested that they be authorized to participate in mediation with regard to the issues in this proceeding. It appears that the most productive form of mediation is to designate an active or recall status bankruptcy judge with no assignment or responsibility for these proceedings as a settlement judge to serve as a neutral mediator and that Bankruptcy Judge **[full name of mediating judge]** is qualified and suitable to serve in that capacity.

For good cause shown, it is hereby **ORDERED** as follows:

1. The parties to this proceeding shall mediate the issues and disputes presented in these proceedings. Bankruptcy Judge **[Surname of mediating judge]** is designated as a settlement judge with regard to this matter for the purpose of conducting mediation proceedings as the neutral mediator. Such mediation shall be conducted at a time and place and in accordance with procedures mutually agreed upon by the parties and Judge **[Surname of mediating judge]**.
2. Because Judge **[Surname of mediating judge]** will be serving as the neutral mediator in this matter and because the nature of the mediation process requires *ex parte* contacts and communications between the neutral mediator and each of the sides, the prohibitions of FED. R. BANKR. P. 9003 do not apply to communications among the parties, their attorneys, and Judge **[Surname of mediating judge]** in connection with the mediation proceedings. The parties and their attorneys may, therefore, have *ex parte* communications with Judge **[Surname of mediating judge]** in his or her capacity as the neutral mediator in connection with the mediation proceedings.
3. All communications made by the parties or their attorneys to each other or to Judge **[Surname of mediating judge]** in connection with the mediation process, the conduct and demeanor of the parties and their counsel during the mediation, and any documents prepared or produced in connection with the mediation process, including Judge **[Surname of mediating judge]**'s notes or records, shall be confidential and shall not be admissible as evidence or the subject of any discovery in any proceeding (unless admissible or discoverable without regard to the mediation). The mediation sessions and any conferences or proceedings in connection therewith shall be treated as compromise negotiations for purposes of the Federal Rules of Evidence, the Georgia Rules of Evidence, or any rules of evidence of any other jurisdiction. No record will be made of the mediation proceedings. Judge **[Surname of mediating judge]** is disqualified from appearing as a witness in any matter, **and shall not be called as a witness**, with regard to the mediation or any matter arising out of or related thereto.
4. Fed. R. Bankr. P. 7016, incorporating Fed. R. Civ. P. 16(c)(2)(I), applies to all matters that are the subject of this Order. Fed. R. Bankr. P. 9014(c). The appointment of **[Surname of mediating judge]** is an assignment of the subject matters by the assigned judge to the Settlement Judge solely for the purpose of convening "pretrial conferences" with a goal to reach a settlement. The Settlement Judge is appointed because of their judicial position as an active or recall status United States Bankruptcy Judge and acts in such capacity. By serving as a settlement judge, the Settlement Judge performs judicial duties. Accordingly, the Settlement Judge and all judiciary employees assisting the Settlement Judge have full, unqualified judicial immunity, as well as all other privileges, immunities, and protections accorded to a United States Bankruptcy Judge and to judiciary employees, regarding any matters arising from or related to the Settlement Judge's role as settlement judge.
5. By participating in the settlement process, all parties automatically:
 - a) waive and are unable to assert against the Settlement Judge or any judiciary employees assisting with the settlement process any claims or causes of action that arise from or relate to the settlement process; and

b) waive and are unable to seek to compel from the Settlement Judge or from any judiciary employees assisting with the settlement process any oral or written testimony, document production (including, without limitation, regarding any records, reports, summaries, notes, communications, or other documents received or made by the Settlement Judge or any judiciary employees while serving in such capacity), or other participation whatsoever in any judicial, arbitral, or other proceeding of any kind.

The Settlement Judge may, in the Settlement Judge's sole discretion, require that the parties sign an agreement memorializing the above understandings, among other provisions, before agreeing to serve as a settlement judge.

[End of Order]

[If Consent Order, names and signatures of consenting attorneys may be added.]