NOTICE: THIS DOCUMENT

CONTAINS SENSITIVE DATA

CAUSE NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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|  | § | IN THE DISTRICT COURT |
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|  | §  §  § | \_\_\_\_ JUDICIAL DISTRICT |
|  | § |  |
|  | § | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY, TEXAS |

AGREED ORDER OF REFERRAL TO MEDIATION

The Parties agree and the Court finds this case to be appropriate for referral to mediation pursuant to 153.0071 of the Texas Family Code.

IT IS ORDERED that the Parties, are referred to mediation as the most appropriate alternative dispute resolution procedure and shall make a good faith effort to settle this dispute in mediation. Mediation is a non-judicial and informally conducted forum for the voluntary settlement of disputes through an impartial third party.

IT IS FURTHER ORDERED that Mediator Heather Davis, J.D, LLM, CPA, MBA, Credentialed Advanced Mediator by the Texas Mediator Credentialing Association (TMCA), SBT No. 24117764, is appointed as mediator for the parties; and this mediator can be reached at Heather@RSPLegal.com, www.rsplegal.com, or 713-478-9105. Mediation is $250 per party per half-day mediation and due the day mediation is scheduled. When mediation is scheduled online, a calendar invite with all the online video conferencing details will be sent to all participants whose email addresses are provided.

IT IS FURTHER ORDERED that the parties shall note that Section 154.053 of the Texas Civil Practice and Remedies Code states that: (a) a person appointed to facilitate a mediation shall encourage and assist the parties in reaching a settlement of their dispute but may not coerce the parties to enter into an agreement; (b) unless expressly authorized, the mediator may not disclose to either party information given in confidence by the other and shall at all times maintain confidentiality with respect to communications relating to the dispute; and (c) unless the parties agree otherwise, all matters, including the conduct and demeanor of the parties and their counsel during mediation, are confidential and may never be disclosed to anyone, including the court.

IT IS FURTHER ORDERED that the parties shall mediate with Mediator Heather Davis on the following date and time: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2021, at the time of \_\_\_\_\_\_\_\_\_\_\_\_\_.

IT IS FURTHER ORDERED that the parties shall note that Section 154.073 of the Texas Civil Practice and Remedies Code states that: (a) a communication made by a participant in mediation, whether before or after the institution of formal judicial proceedings, is confidential, is not subject to disclosure, and may not be used as evidence against the participant in any judicial or administrative proceeding; (b) any record made at mediation is confidential, and the participants, including the mediator, cannot be required to testify in any proceedings relating to the matter in dispute; and (c) an oral communication or written material used in or made a part of mediation is however, admissible or discoverable, if it is admissible and discoverable independent of mediation.

**IT IS FURTHER ORDERED** THAT THE PARTIES AGREE THAT IF ON THE DAY OF MEDIATION ONE PARTY HAS NOT PAID FOR MEDIATION OR DOES NOT SHOW UP FOR MEDIATION, THE OTHER PARTY WILL BE RESPONSIBLE AT THAT TIME FOR BOTH PARTIES’ MEDIATION FEE IN FULL; AND FURTHER THAT THE PARTY WHO PAID FOR THIS ADDITIONAL MEDIATION FEES DUE TO THE OTHER PARTY’S FAILURE TO PAY THIS OBLIGATION WILL BE ENTITLED TO FULL REIMBURSEMENT OF BOTH SIDES’ MEDIATION FEES AND ANY ASSOCIATED REASONABLE ATTORNEY FEES TO COLLECT THIS REIMBURSEMENT UNDER THREAT OF CONTEMPT. THE PARTIES AGREE THAT THIS REIMBURSEMENT WILL BE DONE PRIOR TO ENTRY OF FINAL ORDERS.

IT IS FURTHER ORDERED that there shall be no service of process performed at or around the mediation facility.

SIGNED on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

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JUDGE PRESIDING

**APPROVED AS TO FORM ONLY:**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attorney of Record

**APPROVED AND CONSENTED AS TO BOTH FORM AND SUBSTANCE:**

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Petitioner Respondent