

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF FLORIDA  
Miami Division

**Case Number: 21-60515-CIV-MORENO**

PRESTIGE INSURANCE GROUP and  
ULISES CICCARELLI,

Plaintiffs,

vs.

ALLSTATE INSURANCE COMPANY,

Defendant.

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**ORDER OF REFERRAL TO MEDIATION**

Trial having been set in this matter for **December 19, 2022**, pursuant to Federal Rule of Civil Procedure 16 and Local Rule 16.2, it is

**ADJUDGED** as follows:

(1) **Mediation** – All parties must participate in mediation. The parties shall complete mediation no later than **October 19, 2022**.

(2) **Selection of Mediator** – One of Plaintiffs' counsel, or any other attorney agreed upon by all counsel of record and any unrepresented parties, shall be “lead counsel” and responsible for scheduling the mediation conference. The parties are encouraged to avail themselves of the services of any mediator on the List of Certified Mediators, maintained in the office of the Clerk of this Court, but may select any other mediator. The parties shall agree upon a mediator no later than **June 1, 2022**. If there is no agreement, lead counsel shall promptly notify the Clerk in writing and the Clerk shall designate a mediator from the List of Certified Mediators, which designation shall be made on a blind rotation basis.

(3) **Order Scheduling Mediation** – A place, date, and time for mediation convenient to the mediator, counsel of record, and unrepresented parties shall be established. Lead counsel shall complete the form order attached and submit it to the Court. After the Court enters the completed form order, the mediator may, with consent of the parties, reschedule mediation at the mediator's discretion without further order of the Court.

(4) **Attendance** – The appearance of counsel and each party or representatives of each party with full authority to enter into a full and complete compromise and settlement is mandatory. If an insurer is involved, an adjuster with authority up to the policy limits or the most recent demand, whichever is lower, shall attend.

(5) **Confidentiality** – All discussions, representations and statements made at the mediation conference shall be confidential and privileged.

(6) **Mediator Summary** – At least **ten** days prior to the mediation date, all parties shall present to the mediator a brief written summary of the case identifying issues to be resolved. Copies of these summaries shall be served on all other parties.

(7) **Non-Compliance** – The Court may impose sanctions against parties and/or counsel who do not comply with the attendance or settlement-authority requirements or who otherwise violate the terms of this order. The mediator shall report non-attendance and may recommend impositions of sanctions by the Court for non-attendance.

(8) **Mediator Compensation** – The mediator shall be compensated in accordance with the standing order of the Court entered pursuant to Local Rule 16.2.B.6, or on such basis as may be agreed to in writing by the parties and mediator selected by the parties. The parties shall share equally the cost of mediation unless otherwise ordered by the Court. All payments shall be remitted to the mediator within 30 days of the date of the bill. Notice to the mediator of

cancellation or settlement prior to the scheduled mediation must be given at least two full business days in advance. Failure to do so will result in imposition of a fee for one hour.

(9) **Settlement** – If a full or partial settlement is reached in this case, counsel shall promptly notify the Court of the settlement in accordance with Local Rule 16.2.F, by the filing of a notice of settlement signed by counsel of record within **ten** days of the mediation conference. Thereafter the parties shall submit an appropriate pleading concluding the case.

(10) **Mediation Report** – Within **five** days following the mediation conference, the mediator shall file a Mediation Report indicating whether all required parties were present. The report shall also indicate whether the case settled (in full or in part), was continued with the consent of the parties, or whether the mediator declared an impasse.

(11) **Sanctions** – If mediation is not conducted, the case may be stricken from the trial calendar, and other sanctions including dismissal or default may be imposed.

DONE AND ORDERED in Chambers at Miami, Florida, this 18th of May 2022.

A handwritten signature in black ink that reads "Federico A. Moreno". The signature is written in a cursive style and is underlined with a single horizontal line.

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FEDERICO A. MORENO  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record