

December 19, 2023

attorney@plaintiff.com
Plaintiff Attorney, Esq.
Plaintiff Law Group PLLC

attorney@defendantlawfirmPC.com
Defendant Attorney, Esq.
Defendant Law Firm, PC

Re: Apples v. Bananas et al

Dear Counsel:

Thank you for selecting me to mediate this matter for you. This will confirm that you have scheduled a half day session.

Date: February 6, 2024
Time: 1:30 pm MT
Location: Zoom

Mediation Fee: The mediation fee is calculated based on my hourly billing rate as detailed below, including any pre-mediation preparation time and post-mediation follow-up time spent on the matter. Note, I do not charge any administrative, scheduling, or rescheduling fees, and in exchange ask you to respect my time and the cancellation policy below.

Hourly Billing Rate:

2 parties: \$200 per hour/per party
3 Parties: \$150 per hour/per party
4+ Parties: \$125 per hour/per party

Please note that applicable New Mexico gross receipts taxes will be added to the bills sent to you.

I charge a minimum fee of two hours per mediation, no matter how long the mediation actually lasts.

I view counsel as responsible for their client's portion of the mediation fees and consider myself retained by you to serve as the mediator in this matter. If you are not willing to bear that responsibility, I would request that you make arrangements in advance with your client to deposit with me an appropriate amount for payment of the mediation fees. To avoid confusion, I define a "party" as all parties who are represented by the same counsel.

Cancellation Policy: If the mediation is cancelled or rescheduled less than 48 hours (Monday-Friday) prior to the scheduled session, each party will be billed for their portion of the minimum fee.

Pre-Mediation Submissions: I would appreciate receiving a confidential mediation statement from each party approximately one week prior to the mediation. I will assume the contents of the mediation statement to be confidential unless you tell me otherwise. The mediation statement should be emailed to me at mark@jarmieadr.com. Please copy my case manager, Lisa Fox, at casemanager@jarmieadr.com. Lisa will follow up with you to ensure that I receive your position paper with sufficient time for me to review it.

You should also feel free to provide me with any other materials (such as expert reports, medical records, deposition excerpts, etc.) that you feel would be helpful in preparing for the mediation. If dispositive motions have been filed, please send me those as well.

I anticipate that each party will have someone present at the mediation with full settlement authority. If for some reason the appropriate person with settlement authority is unable to be present at the mediation, please inform me well in advance so that we can make appropriate arrangements.

Finally, I want to let you know that I will likely attempt to contact you before the mediation to discuss any particular concern you might have about the mediation. You should also feel free to contact me at any time in advance of the mediation if there are issues you would like to address.

Lisa will be sending you a zoom link before the mediation and will work with you to ensure that any technical issues are resolved in advance of our mediation.

I look forward to working with you!

Best Regards,

Mark Jarmie

Mark D. Jarmie
JARMIE ADR

MJ/LF