

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:)
)
ALTERNATIVE DISPUTE RESOLUTION) Misc. No. 06-203
POLICIES AND PROCEDURES)

WHEREAS, pursuant to Local Rule 16.2, the Alternative Dispute Resolution (“ADR”) program is governed by the ADR Policies and Procedures, as adopted by the Board of Judges for the United States District Court for the Western District of Pennsylvania;

WHEREAS, the Court’s ADR Policies and Procedures are in support of Local Rule 16.2;
and,

WHEREAS, on February 16, 2018, March 14, 2018 and April 16, 2018, the Court amended the ADR Policies and Procedures.

AND NOW, this 23rd day of April, 2018, IT IS HEREBY ORDERED THAT effective immediately, Section 2.8 is amended, as set forth in the attached. In all other respects, the February 16, 2018, March 14, 2018 and April 16, 2018 orders remain in full force and effect.

FOR THE COURT:

s/ Joy Flowers Conti

Chief United States District Judge

2.8 Good Faith Definition

It is the expectation of the court that all parties ordered to mediation shall attend the session with full settlement authority and shall participate in good faith. “Good faith” shall refer to the duty of the parties to meet and negotiate with a willingness to reach agreement, full or partial, on matters in dispute. If parties and/or party representatives with full settlement authority attend the mediation and participate, consider and respond to the proposals made by any party, the parties are deemed to be acting in good faith.

In good faith negotiations, no party is required to make a concession or agree to any proposal, nor are they precluded from seeking the best possible resolution for their own interests. If a party is attending a mediation session with no intention of making any demand or offer of settlement, or if they intend to wait until the disposition of certain motions before engaging in settlement discussions, they shall explicitly inform the mediator, and all other parties, in writing, no later than 15 calendar days prior to the mediation session. **A refusal to make an offer or a demand shall not exempt ADR participation. The parties may either elect to move forward with the mediation session or proceed to Early Neutral Evaluation (ENE).**

If the parties elect to move forward with the mediation session knowing that no demand or offer of settlement may be made, there is no violation of good faith.