

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ORDER

IN RE HURRICANE SANDY CASES

14 MC 41

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THIS DOCUMENT APPLIES TO:

ALL RELATED CASES

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CASE MANAGEMENT ORDER NO. 14

On December 2, 2014, the Hurricane Sandy Committee (the “Committee”) issued Case Management Order No. 13, which sought to refine the procedures to be used in Hurricane Sandy Cases so that the mediations would be more successful. (CMO # 13 at 3). Among other things, CMO # 13 required the parties to conduct “no further mediations . . . in Louisiana.” (CMO # 13 at 9). On December 29, 2014, in addressing Plaintiffs’ Motion to Reconsider this portion of CMO # 13, the Committee held that “[a]ny case scheduled to be mediated in Louisiana after January 31, 2015, must be rescheduled to be mediated in the Eastern District of New York.” (Dec. 29, 2014 Order at 2). CMO # 13 also directed the parties that “[p]laintiffs shall participate actively in mediations.” (CMO # 13 at 9).

To clarify, the mediations need not be held within the geographical boundaries of the Eastern District of New York. Rather, the parties must select mediators from the Eastern District of New York’s Hurricane Sandy Mediator Panel, and may conduct the mediations at whatever

locations are convenient for the mediators and parties. Further, plaintiffs are required by CMO # 13 and the local rules of this Court to be physically present at the mediations. (See E.D.N.Y. Local R. 83.8(c)(2) (providing that “the Court may require . . . the attendance at the mediation session of a party This requirement reflects the Court’s view that the principal values of mediation include affording litigants with an opportunity to articulate their positions and interests directly to the other parties and to a mediator and to hear, first hand, the other party’s version of the matters in dispute. Mediation also enables parties to search directly with the other party for mutually agreeable solutions”). Plaintiffs’ counsel may apply to the mediator to excuse the physical presence of their clients only under extraordinary circumstances, but plaintiffs must still be available to participate by telephone.

SO ORDERED.

Dated: Brooklyn, New York
January 7, 2015

/S/ CHERYL L. POLLAK
Cheryl L. Pollak United States
Magistrate Judge

/S/ GARY BROWN
Gary Brown United States
Magistrate Judge

/S/ RAMON E. REYES, JR.
Ramon E. Reyes, Jr.
United States Magistrate Judge