

Mediation Agreement

1. The parties agree to retain Morris Chochla of FCL LLP as the Mediator in this matter.
2. The parties agree that all information exchanged both before and at the mediation is on a confidential basis. It is agreed that nothing said at the mediation or information provided can be used in any present or subsequent court or arbitration proceedings.
3. The parties agree that the Mediator shall have the same immunity and protection from liability as that of a Superior Court Judge as described in Section 82 of the Courts of Justice Act, R.S.O 1990, c.C. 43 as amended and will not be compellable as a witness in the present or any future court or arbitration proceedings.
4. The parties agree that any information disclosed to the Mediator either before or at the mediation can be communicate to other parties unless the Mediator is expressly advised otherwise.
5. The parties agree that the Mediator will act as a neutral to assist the parties in negotiating a settlement and acknowledge that he is not providing legal advice to any of the parties.
6. The parties agree that they will attend the mediation in good faith in an effort to bring an end to the litigation by way of settlement.
7. The parties agree to split the Mediator's fee on an equal basis unless it is decided otherwise at the mediation.
8. The parties agree the cost of the mediation will be \$7000 dollars plus HST for a 7 hour mediation including preparation time by the mediator beforehand. Each additional hour will be charged at \$700 per hour. The parties also agree to an equal split of any room/food charges if required plus a \$250 administration fee for support during the mediation.
9. The lawyers agree that by signing this agreement they will be responsible for payment of their clients portion of the mediation costs within 30 days of final invoicing by the Mediator.
10. The parties agree that in the event a mediation is booked and cancelled with less than 14 days notice they will pay a \$4000 cancellation fee. In the event the mediation is rebooked the cancellation fee will be waived.

