

## **AGREEMENT TO MEDIATE**

**Re: ..... v ..... – Claim for Damages (etc)**

1. The abovenamed parties agree to participate in, and act reasonably and genuinely in, a mediation to be conducted at .....
2. The mediator is Mr Andrew Kitchin of Counsel.
3. The parties agree to provide to the mediator such documents as are necessary to enable the mediator to understand the dispute, the issues and the present stage of the proceedings.
4. The estimated maximum period of the mediation is (3.5/7) hours, unless extended by agreement between the parties and the mediator.
5. The parties agree to pay the mediator's fees in accordance with the terms of the cost disclosure agreement with the mediator.
6. For the purposes of the mediation the parties agree to pay the following proportions of the mediator's fees:
  - (a) Plaintiff: 50%
  - (b) Defendants: 50%The parties agree to pay their respective proportions of the mediator's fees to the mediator within thirty (30) days of the receipt of the mediator's tax invoice.
7. The parties to this agreement acknowledge and agree that to the extent permitted by law that no liability will attach to the mediator arising from any matter the subject of the mediation.
8. The parties acknowledge and agree that this agreement incorporates as may be necessary:
  - (i) The terms of the costs disclosure agreement with the mediator;
  - (ii) If applicable to the mediation any of the provisions of Part 4, Division 5A of the *Motor Accident Insurance Act 1994*, Chapter 2, Part 1, Division 4 of the *Personal*

*Injuries Proceedings Act 2002* and Chapter 5, Part 5 of the *Workers' Compensation and Rehabilitation Act 2003*;

- (iii) All or any of the provisions of Part 6 of the *Civil Proceedings Act 2011*;
- (iv) All or any of the provisions of Chapter 9 Part 4 of the *Uniform Civil Procedure Rules 1999*.

9. The parties agree that there is to be no audio or video recording (by whatever means – including AI or similar transcription type service or program) of any part of the mediation including any conversations with the mediator.

DATED

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Solicitors for the Plaintiff

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Solicitors for the Defendants