

Law Offices  
**RICH SMUKLER MEDIATION**

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January 1, 2010

Thank you for your inquiry regarding my availability to serve as Mediator in the above-referenced case on the date indicated. Although I am also a licensed attorney, the services I am providing in this matter are solely third party neutral services and I will not act as an advocate for any party to this mediation.

This will confirm that I have agreed to act as Mediator in this matter and will further confirm that I have disclosed to you, and you and your clients have waived any conflicts or potential conflicts which might result from prior knowledge of the parties, their counsel, or of this matter.

My hourly rate for mediation matters such as this is \$160.00 per hour / per party, which will be billed at the conclusion of each mediation session (there is a two hour minimum). In addition, I will bill for all costs incurred in this mediation, such as copy and fax costs, food and lodging expenses if overnight stays are required, and other out of pocket costs. I do not charge for travel time within the 11<sup>th</sup>, 15<sup>th</sup> and 17<sup>th</sup> Circuits in Florida, however, I do charge a reduced rate for travel time outside of these Circuits, and for airfare, if required.

The parties have agreed to be responsible in equal pro rata shares for my services and expenses. Each party will have present at each mediation session sufficient funds, by cash, check or money order, to pay for that party's share of the mediation session. I only extend credit to the attorneys in this matter, not their clients, and if payment is not made at the conclusion of each mediation session, I will invoice counsel and understand that you will be responsible for paying all amounts billed.

Because of the nature of mediation work, I have established a policy regarding continuances and cancellations. Once I have committed a date and time for your mediation session, it is difficult for me to arrange to provide that time for use by others if cancellation occurs less than one week before the date and time set. If the mediation is canceled or continued less than one calendar week before the date and time set, I will charge you 50% of the cost of the mediation.

I look forward to assisting you and your clients in resolving this matter through the dispute resolution mechanism of mediation and will plan on attending the scheduled mediation unless continued or canceled at least one week in advance.

Very truly yours,

Rich Smukler, Esquire.