

IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA  
UCN#

REFERENCE NO. 24-003939-CI-SECTION 7

JOHN WILLIAM LICCIONE  
VS.  
CATHY SALUSTRI LOPER, ET AL

**ORDER OF REFERRAL TO MEDIATION**

This Court has reviewed its docket and the case file in the above-styled cause and has determined that the cause is appropriate for mediation. In accordance with §§ 44.1011-44.108, Florida Statutes, and Florida Rules of Civil Procedure 1.700-1.830, and upon the Court's own motion or upon stipulation of the parties, it is

**ORDERED:**

1. The above-styled cause is hereby referred to mediation through the Sixth Judicial Circuit's Arbitration and Mediation Program ("Program").

2. Pursuant to Fla. R. Civ. P. 1.700(a), mediation may be conducted in person, through the use of communication technology as defined in Fla. R. Gen. Prac. & Jud. Admin. 2.530, or by a combination thereof. If the parties do not agree to conduct mediation via communication technology, then mediation will be conducted in person, unless the court orders otherwise.

**Within ten (10) days of the order of referral, the parties may agree upon a mediator and a date and time for mediation, and whether communication technology will be used.** The mediation conference must be held within forty-five (45) days of the date of this Order unless otherwise ordered by the Court. **Plaintiff's counsel is responsible for contacting the Sixth Judicial Circuit Arbitration and Mediation Program ("Program"), Ermadesa Avdia, Work: 727-464-4943, email: eavdia@jud6.org with the mediator and date selection, and whether communication technology will be used, and plaintiff's counsel is also responsible for issuing the Notice of Mediation. If the Program is not contacted within the ten (10) day period, the Program will select a certified mediator by rotation, as well as the date and time for mediation, and the Program will issue the Notice of Mediation.** The program appointments will not be changed absent good cause shown.

3. Pursuant to Fla. R. Civ. P. 1.720(b), a party is deemed to appear at a mediation conference if the following persons are physically present at the mediation, or, if permitted by court order or written stipulation of the parties, present via communication technology:

1. The party or a party representative having **full authority** to settle without further consultation, and
2. The party's counsel of record, if any: and

3. A representative of the insurance carrier for any insured party who is not such carrier's outside counsel and who has full authority to settle in an amount up to the amount of the plaintiff's last demand or policy limits, whichever is less, without further consultation.

Pursuant to Fla. R. Civ. P. 1.720(d), If a party to a mediation is a public entity required to operate in compliance with Chapter 286, Florida Statutes, that party is deemed to appear at a mediation conference by the presence of a representative with full authority to negotiate on behalf of the entity and to recommend settlement to the appropriate decision-making body of the entity. Such representative may be physically present or, if authorized under rule 1.700(a), may participate through the use of communication technology.

**Certification of Authority.** Unless otherwise stipulated by the parties, each party, 10 days prior to appearing at a mediation conference, must file with the court and serve all parties a written notice identifying the person or persons who will be attending the mediation conference as a party representative or as an insurance carrier representative, and confirming that those persons have the authority required by subdivision (b).

**The above provisions regarding the full authority to settle without further consultation apply to both in person participation or through the use of communication technology or by a combination thereof at the mediation conference.**

4. The mediator shall be compensated as follows:

a. If the parties select the mediator, the mediator shall be compensated at the rate agreed to by the mediator and the parties.

b. **If the Program selects the mediator by rotation, the mediator shall be compensated at the rate of not more than \$200.00 per hour.**

c. In cases other than mortgage foreclosure cases, the mediator's fee shall be divided equally among all the parties unless a different division is indicated below:

100% to be paid by plaintiff(s) \_\_\_\_\_, or

100% to be paid by defendant(s) \_\_\_\_\_, or

Pursuant to 73.091, Fla. Stat., 100% to be paid by the State of Florida, Department of Transportation.

will be paid as follows: \_\_\_\_\_

5. Any party ordered to pay as described in paragraph 4 above shall bring sufficient funds to the scheduled mediation conference with which to pay the mediator. Payment is due at the conclusion of each scheduled conference, payable directly to the assigned mediator. Pursuant to Fla. R. Civ. P. 1.720(k), parties may object to the mediator's compensation rate within fifteen (15) days of the date of this order by serving an objection on all other parties, the mediator, and the Program. Such objection shall be heard by the presiding judge.

6. Unless stipulated by the parties or ordered by the Court, the mediation process shall not suspend discovery.

7. During its pendency, any matter pertaining to this referral shall be heard by the presiding judge. Time for completion of mediation shall be tolled where mediation is interrupted pending resolution of such matters. Interim or emergency relief not specifically pertaining to this referral may be heard by the presiding judge. However, mediation shall continue while such relief is pending unless otherwise ordered.


8. Pursuant to Fla. R. Civ. P. 1.700(c), any party may move to have this case deferred from mediation within fifteen (15) days of the date of this order. Such motion shall be heard by the presiding judge.

9. The Program shall hereafter be responsible for all administrative matters pertaining to this referral and shall be served with copies of any papers regarding this referral. **The Program must be notified of all cancellations.** Cancellations due to settlement must be confirmed in writing. The Program **MUST** also be notified of any settlements occurring after mediation.

10. Failure to appear at a duly noticed mediation conference either in person, or through the use of communication technology or person(s) identified in the Certification of Authority, may result, upon motion, in the imposition of sanctions, including an award of mediator and attorneys' fees and other costs against the party failing to appear.

11. The rules and procedures attached hereto, entitled "The Mediation Process", are hereby incorporated into this order and made a part hereof, and shall be complied with by all persons subject to this order.

**DONE AND ORDERED** in Chambers, at Clearwater, Pinellas County, Florida.

  
24-003939-CI 4/29/2026 12:44:34 PM  
Circuit Judge Patricia A. Muscarella  
24-003939-CI 4/29/2026 12:44:34 PM  
Patricia Ann Muscarella  
Circuit Judge

**If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Human Rights Office, 400 S. Ft. Harrison Ave., Ste. 300, Clearwater, FL 33756, (727) 464-4062 (V/TDD), at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.**

Conformed Copies by email and/or mail to:

Kirby Z Kreider  
George A D Thurlow  
Michelle Erin Nadeau  
Ryan D Barack  
James B Lake

## THE MEDIATION PROCESS CIVIL CASES

**Authority:** Pursuant to §44.1011, Fla. Stat., and Fla. R. Civ. P. 1.700, *et seq.*, judges have the authority to order most types of contested civil cases to mediation prior to trial. Exclusions from the mediation process are found in Fla. R. Civ. P. 1.710(b).

**Definition:** Mediation is statutorily defined as “[A] process whereby a neutral third person called a mediator acts to encourage and facilitate the resolution of a dispute between two or more parties.” The purpose is to open up lines of communication and to explore all possibilities of settlement in order to resolve the dispute. The role of the mediator includes, but is not limited to, assisting the parties in identifying the issues, fostering joint problem solving, and exploring settlement alternatives. The objective of the process is to help the disputing parties reach a mutually acceptable and voluntary agreement. The role of the parties is to recognize that people in dispute can come to the table to negotiate in good faith to try to resolve their differences. The role of the Arbitration and Mediation Program (Program) is to assist the court in an administrative capacity to insure uniformity and efficiency. The mediation conference is informal, confidential and nonadversarial. The mediator has no decision making power. Any agreement reached will be by mutual consent of the parties. A written agreement that is signed may be filed and submitted to the court with the parties consent. If an agreement is reached, but not reduced to writing, or reduced to writing but not filed, a joint notice of dismissal must be filed.

**Special Rules or Procedures:** Parties have the option of choosing their own mediator. This *may* be accomplished by selecting a mutually acceptable mediator from the court approved list (faxed or mailed upon request), coordinating a date and time with all interested parties (including the mediator) and notifying the Program. Program staff may select a conference room for your use on a space available basis, if needed. Mediation conferences generally last three hours and are scheduled from 9:00/9:30 a.m. until 12:00/12:30 p.m. or 1:00/1:30 p.m. until 4:00/4:30 p.m., unless otherwise requested. Please see the back of this page for more detailed information regarding our scheduling policies.

**Sanctions for Failure to Appear:** If a party fails to appear at a duly noticed mediation conference without good cause, the court, upon motion, shall impose sanctions including award of mediation fees, attorneys’ fees and costs, against the party failing to appear. The failure to file a confirmation of authority required pursuant to 1.720(f), or failure of the persons actually identified in the confirmation to appear at the mediation conference, shall create a rebuttable presumption of a failure to appear.

**The Conference:** ATTORNEYS SHOULD SUBMIT A BRIEF WRITTEN SUMMARY OF THE FACTS/ISSUES OF THE CASE TO THE MEDIATOR AT LEAST ONE WEEK BEFORE THE SCHEDULED CONFERENCE. Counsel may also wish to bring additional work to the conference as there may be a period of waiting if the mediator chooses to “caucus” or meet privately with each side. During the conference, counsel should be prepared to discuss the facts and legal issues involved in the case and to generally help the parties evaluate the case. The ultimate decision making authority of whether or not to settle the case rests with the parties, with the advice of counsel.

Your mediator will be explaining the process in greater detail the day of the conference. In the meantime, if you have any questions about these or any other court-ordered mediation procedures, you should call the Program (see paragraph 3 on page 1 of order).

## PLEASE READ CAREFULLY

**Scheduling, rescheduling and cancellations:** Completion of mediation is usually a prerequisite to trial. The rules require that the initial mediation conference be held within sixty (60) days of the signed referral order unless otherwise ordered by the Court. The Program can issue one time extension order as long all parties agree to the mediation date. It is the responsibility of plaintiff's counsel to contact the Program within the ten-day (10) period with the mediator and date selection if there is an *agreement* from all parties, or to ask the program to assign a mediator by rotation. Failure to contact the program will result in the assignment of a mediator and a date (that may not be cleared) by the Program which cannot be changed absent good cause shown.

**The party who is requesting that a mediation session be rescheduled must obtain consent from opposing party and the assigned mediator. *The Program must also be notified of any rescheduling attempts.*** If the opposing party and/or the mediator do not give consent to reschedule the conference, the party requesting the reschedule must apply for relief through the presiding judge prior to the scheduled conference. Cancellation (with no attempt to reschedule) of the mediation conference will only be permitted where one or both parties has applied for relief from the presiding judge and has had the case properly deferred or removed from mediation. **NO OTHER UNILATERAL CANCELLATION OR RESCHEDULING WILL BE PERMITTED AND IS A VIOLATION OF THE COURT'S ORDER TO ATTEND.**

**Notifying the Mediator:** On cases where the Program has assigned the mediator, the mediator must be notified at least forty-eight (48) hours (**applies only if the mediator was assigned by the Program**) in advance (excluding weekends and holidays) of any rescheduling or cancellation, for whatever reason. If the late cancellation was due to a unilateral request through the court for a continuance or deferment, the moving party will be assessed the entire cancellation fee. If the late rescheduling was due to a stipulation between parties, any fee charged by the mediator will be divided equally between or among them. **When the mediator is assigned by the court he/she has the option to charge a maximum of \$200.00 for the cancellation or for a party failing to appear after proper notice.**

**Settlement Prior to Mediation:** Settlement before mediation is always encouraged but is still considered a cancellation. Consequently, the forty-eight (48) hours' notice requirement applies. It is the responsibility of plaintiff's counsel to notify the Program and the mediator in a timely manner of any settlement before the initial conference.

**Payment:** Payment is due to the mediator on the day of the mediation conference. Alternate arrangements should be made directly with the mediator.

Where there are multiple parties to a mediation, the mediator shall divide the fees proportionately amongst them based upon their interest in the litigation. Some examples of how the mediation costs will be divided include:

1. Co-party plaintiffs (Husband/Wife; Parent/Child) will be treated as one party.
2. Co-party defendants will be treated as one party.
3. Parties who do not share a common interest in the litigation (Cross-claimants) will be treated as separate parties.

Objections to the mediation costs or the way in which they will be divided should be addressed with the court prior to the mediation conference.