

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

F & W LAWN CARE AND
LANDSCAPING, INC., AN
ILLINOIS CORPORATION;

Plaintiff,

v.

Case No. 2:23-cv-549-JES-KCD

ROBERT A. COZART,

Defendant,

ORDER

This case has been “referred to mandatory mediation” under Local Rule 4.03. (Doc. 3 at 10.) But the parties report difficulty selecting a mediator and request “guidance with respect to the Court’s prior orders.” (Doc. 66 at 1.)

The Local Rules contemplate mediation before “a qualified and neutral lawyer.” Local Rule 4.01. And that is what was ordered here. (*See* Doc. 56 at 2.) The Court can designate a judge to act as a mediator. But that is rare and reserved for exceptional circumstances.

So turning back to the facts here, the parties can either select a private mediator or request a judicial settlement conference. In the latter case, the parties must file a motion explaining why it is necessary to divert judicial resources to such an endeavor. Of note, any settlement conference before the Court *will be* in person, while private mediators often offer remote

accommodations (just food for thought). The Court will give the parties until **January 24, 2025**, to decide how to proceed.

ORDERED in Fort Myers, Florida on January 16, 2025.



Kyle C. Dudek
United States Magistrate Judge