

*UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK*

# **MEDIATION REPORT**

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**July 1, 2008 – June 30, 2009**

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**ALTERNATIVE DISPUTE RESOLUTION**

**Gerald P. Lepp  
Alternative Dispute Resolution  
Administrator**

**Mark Chang  
John Stephenson  
ADR Student Interns**

## **1. The Number of Active Cases**

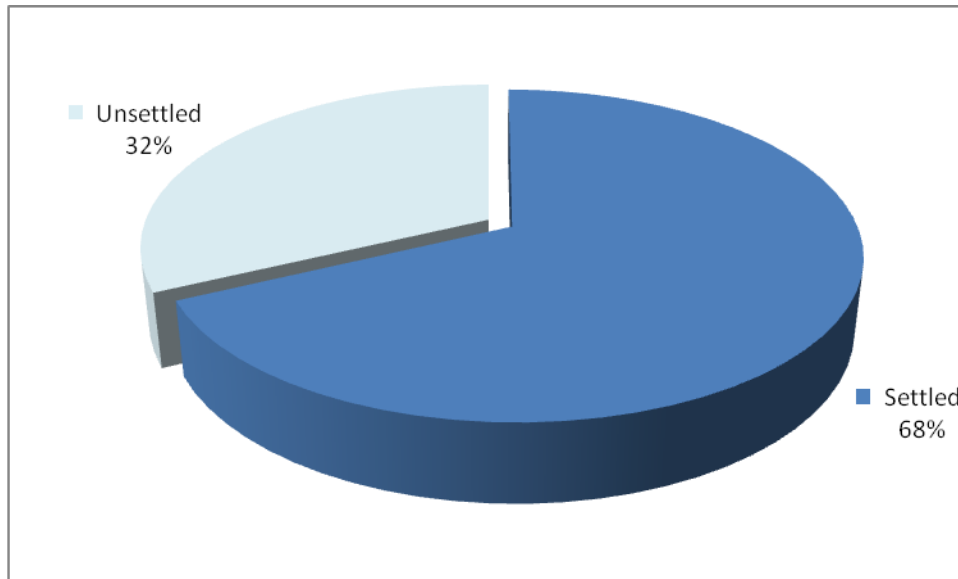
Between July 1, 2008 and June 30, 2009, 174 cases reported activities in mediation. Of the 174 cases, 13 cases were referred to mediation prior to June 30, 2008 and 161 cases were referred after July 1, 2008 and before June 30, 2009.

## **2. Status of Cases**

Of the 174 cases referred to mediation, 130 cases were either reported settled as a result of mediation or returned to the assigned judge. The remaining 44 cases are still pending.

### 3. Rate of Settlement at Mediation

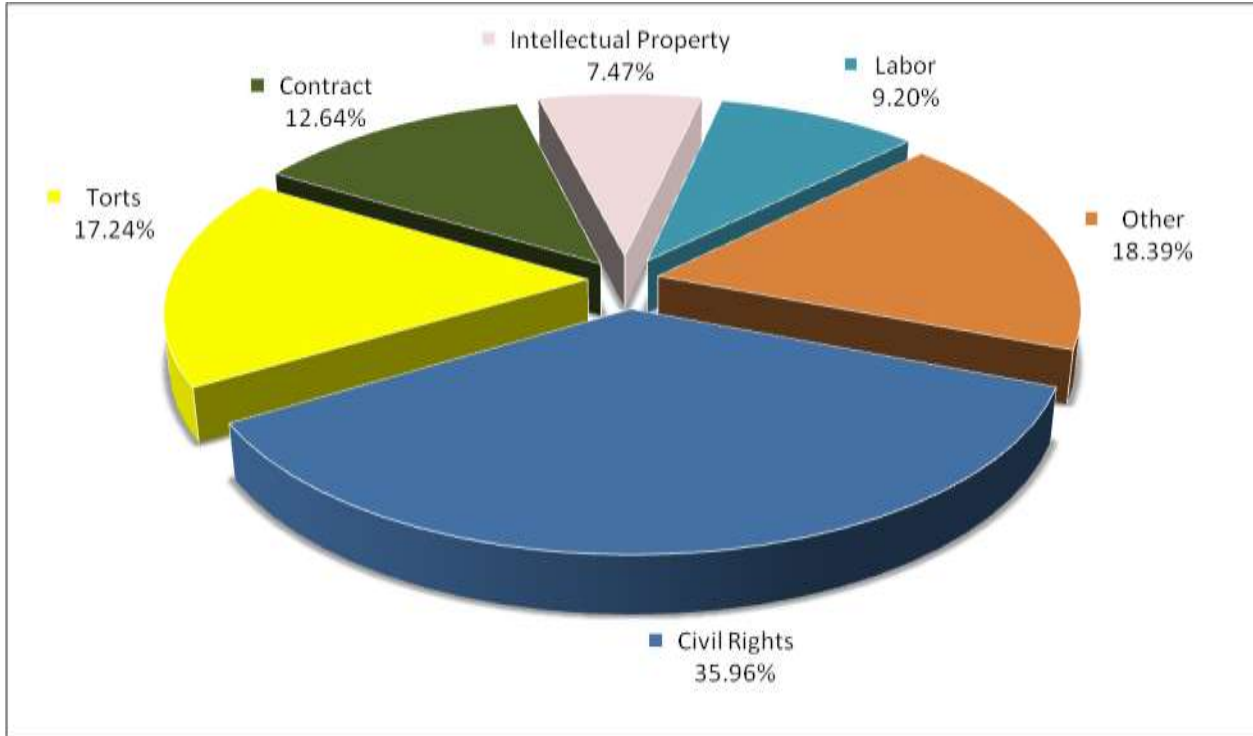
Of the settled or unsettled cases reported in the current period, 89 cases or 68% were settled as a result of mediation. This number does not reflect cases that settled after they returned to the court.



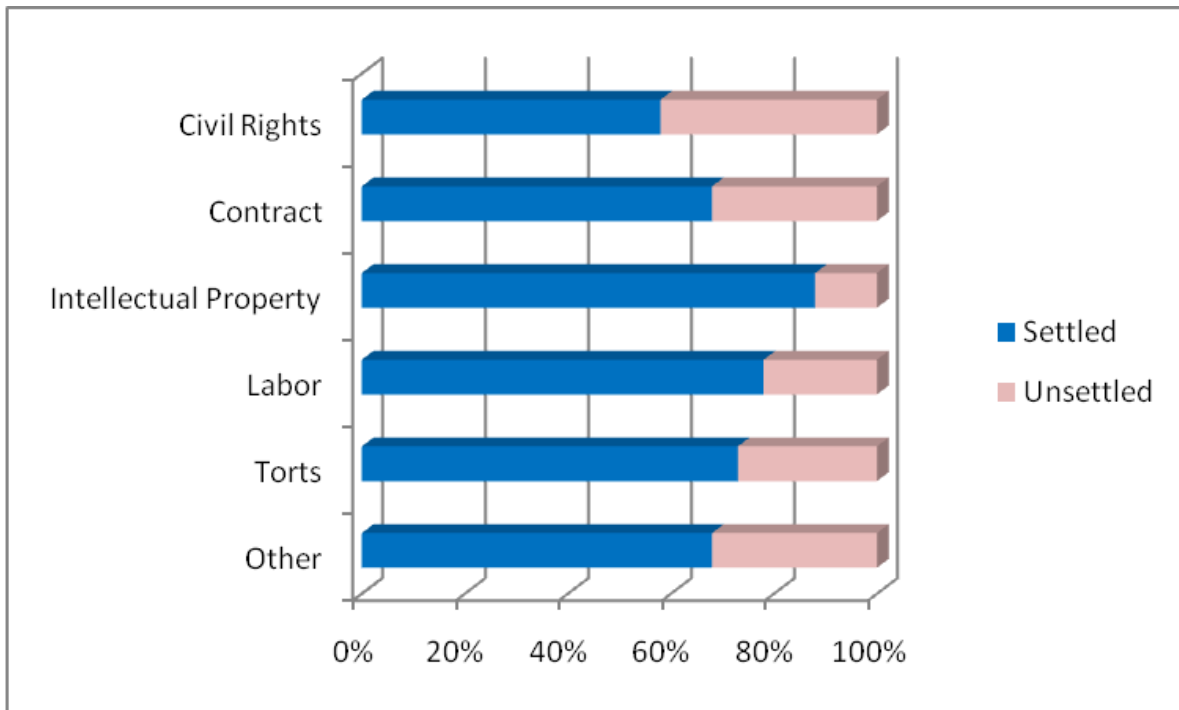
#### 4. The Percentage of Settlement by Cause of Action at Mediation

Cause of Action	Sub-category	Percent		Number			
		Settled	Unsettled	Settled	Unsettled	Pending	Total
<b>Civil Rights</b>	American with Disabilities	88%	12%	7	1	1	9
	Jobs	52%	48%	13	12	15	40
	Other	50%	50%	5	5	2	12
<b>Torts</b>	Personal Injury	67%	33%	12	6	5	23
	Medical Malpractice	100%	0%	5	0	2	7
<b>Contract</b>	Franchise	50%	50%	1	1	0	2
	Other	71%	29%	10	4	6	20
<b>Intellectual Property</b>	Copyright	100%	0%	4	0	2	6
	Patent	100%	0%	3	0	0	3
	Trademark	50%	50%	1	1	2	4
<b>Labor</b>	E.R.I.S.A.	80%	20%	4	1	0	5
	Fair Standards	75%	25%	6	2	1	9
	Other	100%	0%	1	0	1	2
<b>Other</b>	Airplane	100%	0%	1	0	0	1
	Insurance	80%	20%	4	1	4	9
	Marine	100%	0%	2	0	0	2
	Other Federal Question / Statutory Action	33%	67%	1	2	2	5
	Personal Property	33%	67%	1	2	0	3
	Real Property	67%	33%	2	1	0	3
	Truth In Lending	67%	33%	2	1	0	3
	Wiretapping	100%	0%	1	0	0	1
	R.I.C.O.	100%	0%	1	0	0	1
	Banks and Banking	100%	0%	1	0	0	1
Stockholder	0%	100%	0	1	0	1	
International Child Abduction Remedies	100%	0%	1	0	0	1	
	Environmental	N/A	N/A	0	0	1	1
<b>Total</b>		<b>68%</b>	<b>32%</b>	<b>89</b>	<b>41</b>	<b>44</b>	<b>174</b>

### 5. Mediation Referral by Cause of Action



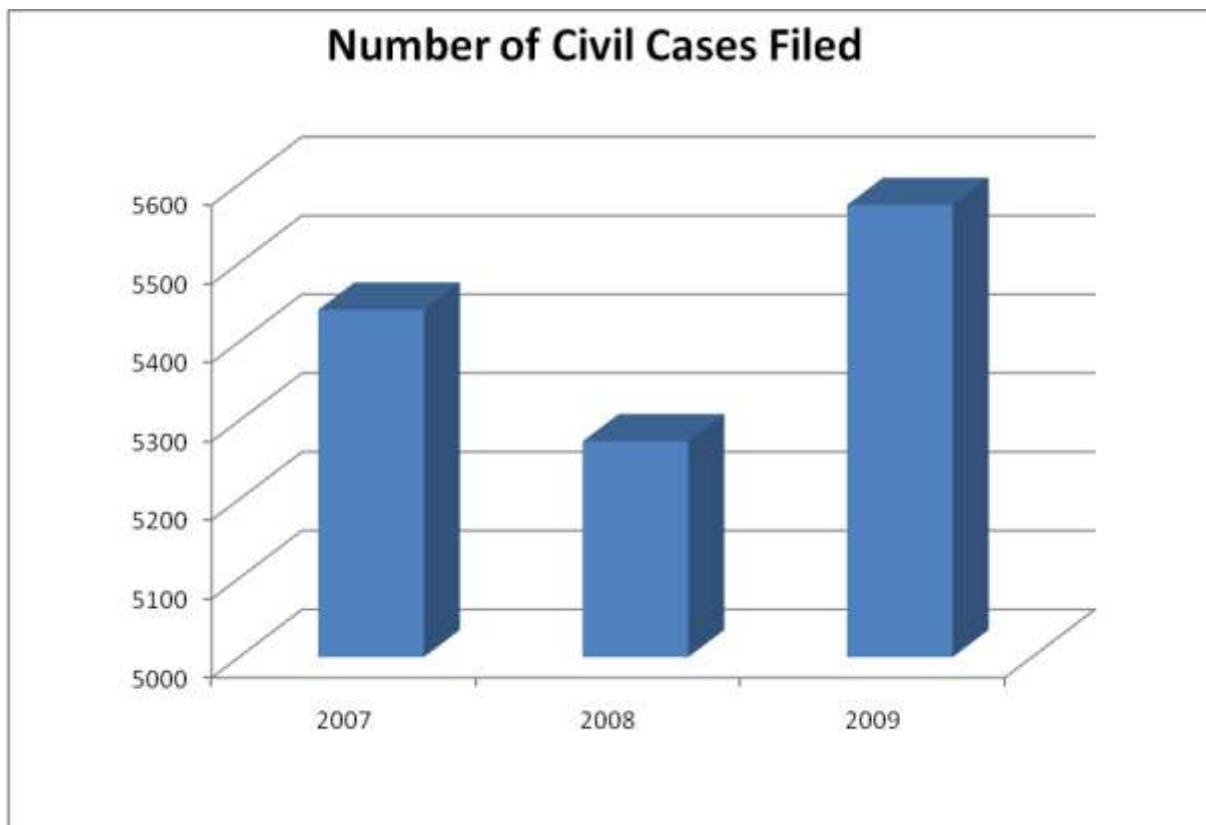
### 6. The Percentage of Settlement through Mediation by Cause of Action



## 7. Cases

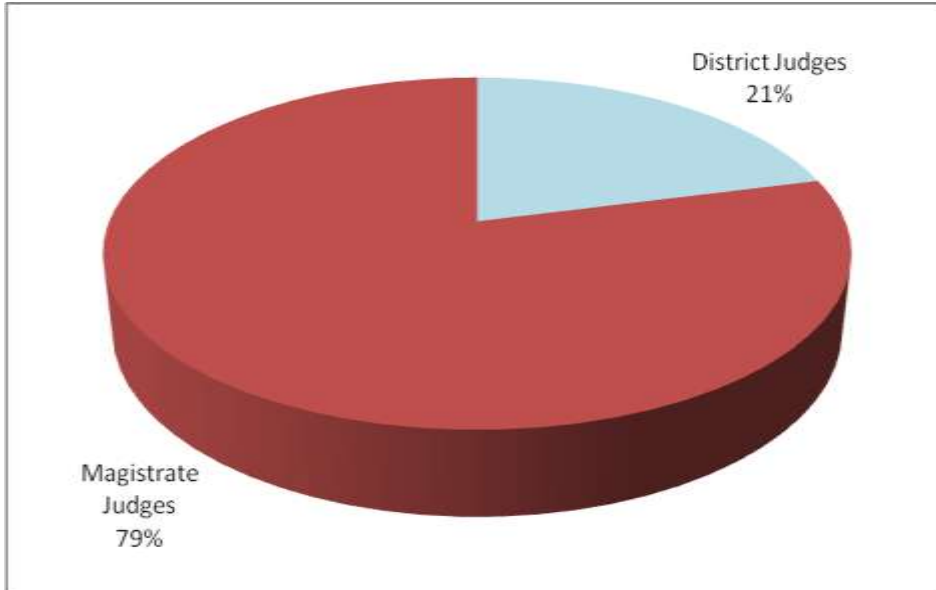
From prior fiscal year (July 2007 ~ June 2008) to the last fiscal year (July 2008 ~ June 2009), an additional 43 cases were referred to mediation. At the same time, the number of civil cases filed in EDNY was as follows:

<b>Year</b>	<b>Number of Civil Case Filed</b>
2007	5441
2008	5274
2009	5574

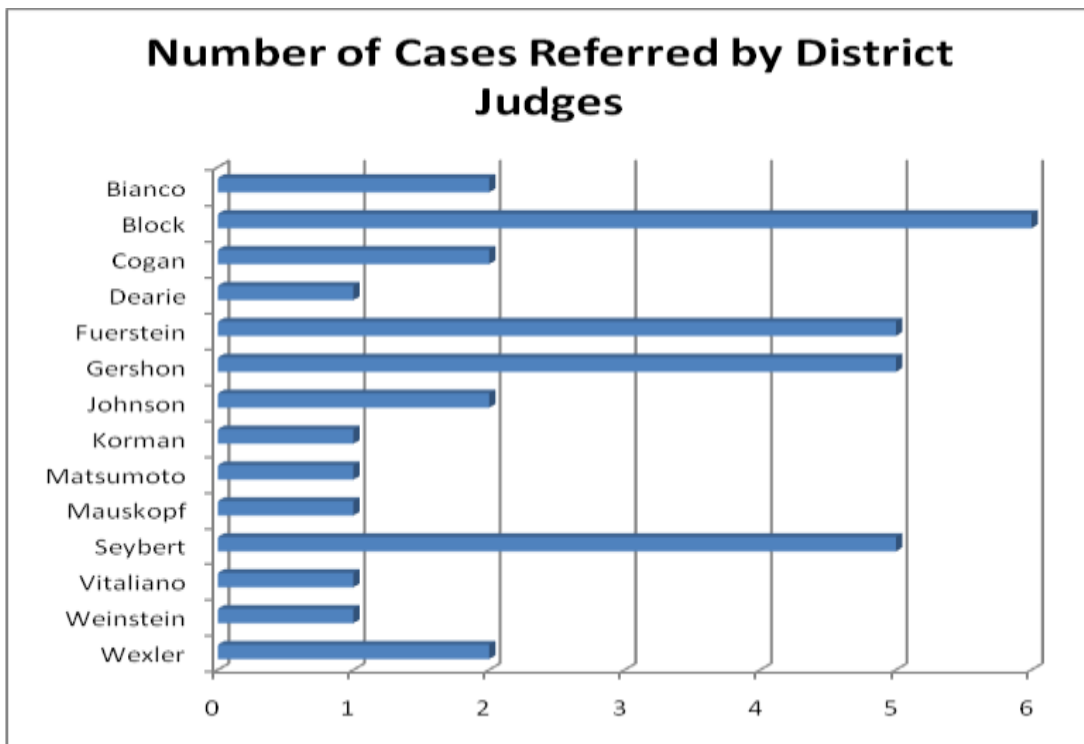


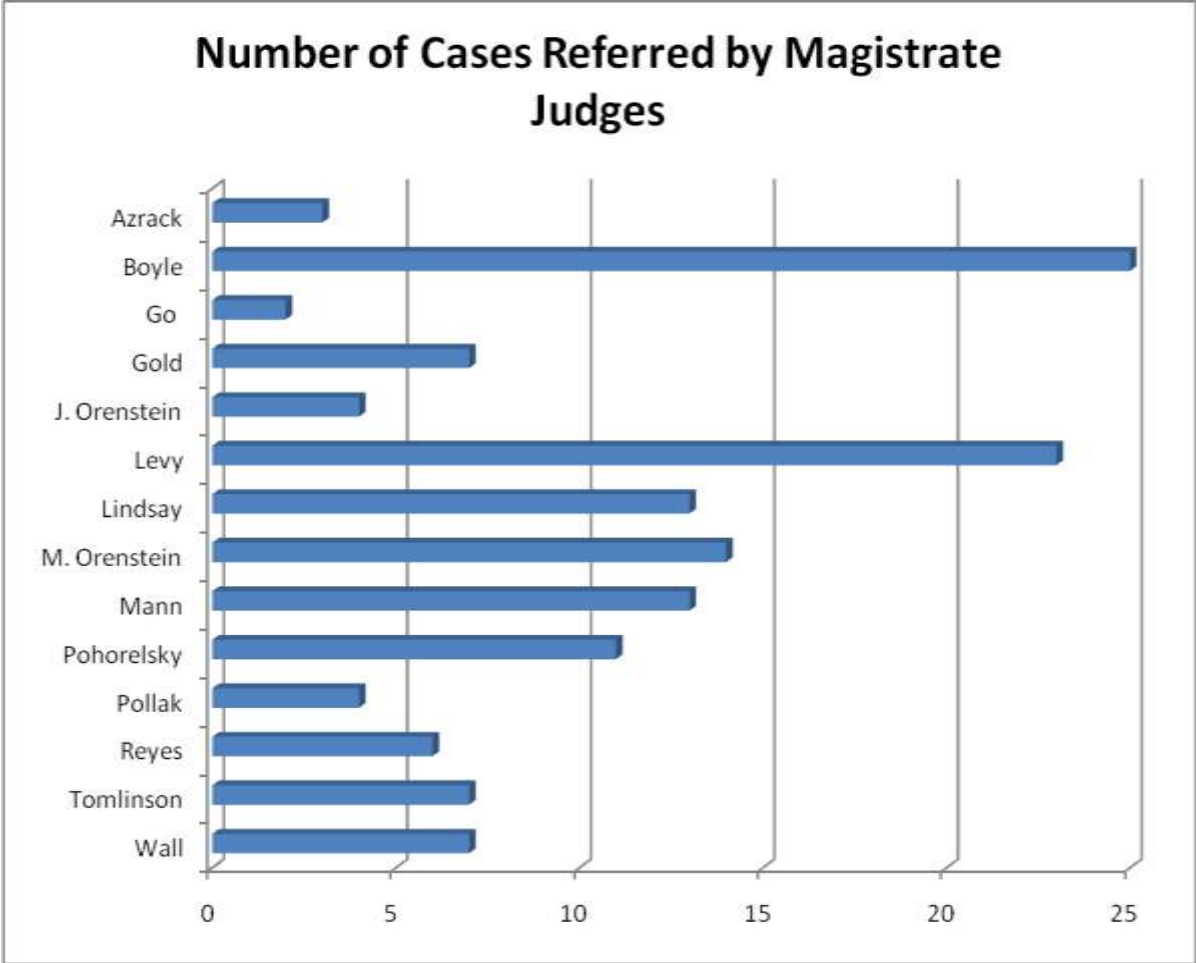
## 8. Judge Referral Statistics

Out of 174 settled, unsettled, or pending cases in mediation, 35 cases (21%) were referred by District Judges and 139 cases (79%) were referred by Magistrate Judges.



## 9. Frequency by Judge





Respectfully Submitted,

Gerald P. Lepp

Brooklyn, New York  
August 12, 2009