UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

FEDERAL TRADE COMMISSION,
et al.,

Plaintiffs,

v. Case No.: 6:16-cv-00982-CEM-TBS

LIFE MANAGEMENT SERVICES OF
ORANGE COUNTY, LLC, et al.,

Defendants.
_____/

MEDIATOR'S MOTION FOR RELIEF

COMES NOW Peter J. Grilli, Mediator in the undersigned case, and moves for an order to require payment by Kevin W. Guice of the unpaid mediation bill, or for such other relief as the Court may find warranted under the circumstances. In support of the motion, I state as follows:

1. The undersigned as mediator rendered his bill to Plaintiffs and Defendants on April 13, 2017.
2. Defendant Kevin W. Guice has not paid the bill nor made objection to the bill at any time.
3. Defendant Kevin W. Guice owes the undersigned $552.50 for the mediation of this cause, as agreed in the confirmation letter terms of engagement sent by the undersigned to counsel on March 20, 2017.
4. True and correct copies of the undersigned's confirmation letter of March 20, 2017 and the undersigned's billing of April 13, 2017 are attached hereto as exhibits.
5. Mr. Guice's counsel has not responded to my phone message left on July 27, 2017, nor to my email

correspondence sent on August 3, 2017.

6. I declare under penalty of perjury that the foregoing is true and correct. Executed this 21st day of August, 2017.

/s/ Peter J. Grilli
Peter J. Grilli, Esq.

WHEREFORE, the undersigned respectfully requests that this Court enter its Order to pay the undersigned's bill, or for such other relief as the Court may find warranted under the circumstances.

RESPECTFULLY SUBMITTED this 21st day of August, 2017.

/s/ Peter J. Grilli
Peter J. Grilli, Esq.
Mediator
Florida Bar No. 237851
Peter J. Grilli, P.A.
3001 West Azeele Street
Tampa, Florida 33609
813.874.1002 Fax: 813.874.1131

I HEREBY CERTIFY that August 21, 2017 I electronically filed the foregoing document with the United States District Court Electronic Case Filing system, which will electronically send copies to counsel of record.

/s/ Peter J. Grilli
Peter J. Grilli, Esq.

PETER J. GRILLI
MEDIATION

PETER J. GRILLI, PROFESSIONAL ASSOCIATION
3001 WEST AZEELE STREET
TAMPA, FL 33609

VOICE 813.874.1002 FAX 813.874.1131
ONLINE CALENDAR: WWW.GRILLIMEDIATION.COM
E-MAIL: PETER@GRILLIMEDIATION.COM

March 20, 2017

via e-mail:

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Tejasvi Srimushnam, Esquire
tsrimushnam@ftc.gov
Federal Trade Commission

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Elias R. Hilal, Esquire
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Law Office of Elias R. Hilal, PA

Re: Federal Trade Commission et al v. Life Management Services of Orange County, LLC et al
Case No.: 6:16-cv-00982-CEM-TBS
CONFIRMATION OF MEDIATION

Dear Colleagues:

I look forward to working with you in this mediation.

DATE: Thursday, April 13th, 2017
TIME: 9:30 a.m. (Half Day)

LOCATION: Office of Peter J. Grilli Mediation
3001 West Azeele Street
Tampa, Florida 33609

TERMS OF ENGAGEMENT:

Our terms of engagement have changed effective January 20, 2016. Please review the full **TERMS OF ENGAGEMENT** attached setting forth our agreement. Please inform us right away of any motion which may result

in the re-scheduling of the mediation, or of any negotiation which might make the mediation unnecessary.

BEFORE THE MEDIATION:

I would like to have a summary of the case two days before the mediation. In addition to a summary, I would like to see certain pleadings as follows:

- **Cases in United States District Court:** I have access to the pleadings and attachments in federal cases and I will review them before the mediation.

- **Cases in other courts:** Please send copies of your side's current issue pleadings (the most recent amended complaint and answers) as well as important motions and orders (e.g. granting or denying them).

- **Presuit cases:** Please send the most relevant documents such as demand or denial letters, contract documents, notices of claim and the like.

If mediation is set for a full day we will have lunch brought in. We would like to know how many people from your side will attend so we can make appropriate arrangements. Before the day of mediation, please advise us of any dietary needs.

You may wish to share the attached sheet **ABOUT MEDIATION** with your client. Obstacles to a productive mediation can be averted by planning and preparation. Please let me know if I can help, and call me as well with any other concerns or problems. Best regards.

Very truly yours,

Peter J. Grilli

PJG/cd
Enclosures

TERMS OF ENGAGEMENT

The billing rate is $360.00 per hour for two sides, $390.00 per hour for three sides, $420.00 per hour for four or more sides and for Saturdays. Travel time is billed portal-to-portal at the above rates. Actual preparation time is billed. One-half hour of administrative time is billed for each scheduling. These billing rates apply and are agreed notwithstanding court orders or local rules which may set other rates in the absence of agreement. Bills are due on receipt. It is agreed that the forum before which the case is pending can enforce payment. If it becomes necessary to seek enforcement of the payment obligation more than 90 days after the bill is rendered, reasonable court costs, attorneys' fees and interest of one percent per month shall be added.

Minimum Charge: The minimum charge for a mediation scheduled for a half day is two and one-half (2.5) hours and for mediation scheduled for a full day is five (5) hours ("the Minimum Charge").

Cancellation or rescheduling: When a case is cancelled or rescheduled with less than fourteen (14) days notice, we will bill all sides equally for the Minimum Charge for the time reserved unless the parties have agreed otherwise. Time of notice is computed as under Rule 6, Fed. R. Civ. P. In cases where Court approval is required, notice runs from the date the court approves the cancellation or rescheduling. We do not waive cancellation/rescheduling charges unless we are able to book another case in the reserved time slot. Cancellation or rescheduling should be confirmed in writing (email or fax is sufficient) to all parties. Please inform us immediately of any motion which may result in the re-scheduling of the mediation, or of any negotiation which might make the mediation unnecessary.

SERVICES

Peter J. Grilli, P.A. solely focuses on mediation services. Over five thousand cases have been mediated since the practice began. Cases actually mediated include:

- class actions (Title VII, civil rights, desegregation, insurance sales practices, securities, TCPA, FLSA collective actions);
- commercial matters (intellectual property, antitrust, trade secrets, securities fraud, construction, environmental, False Claims Act/qui tam, legal and accounting malpractice);
- personal injury cases (wrongful death, medical malpractice, products liability, §1983, maritime, Jones Act, FELA);
- employment cases (age/race/sex discrimination, Disabilities Act, hostile environment, FMLA, non-compete, ERISA, FLSA);
- insurance matters (E&O, environmental, commercial, bodily and personal injury, maritime, disability, bad faith);
- constitutional issues (Free Speech, Free Exercise, adult use, Establishment Clause, Due Process, Equal Protection, public school desegregation, excessive force and wrongful arrest); and
- estate litigation (undue influence, reformation, interpretation of wills and trusts).

ABOUT MEDIATION

In mediation, a neutral third party - the mediator - encourages and facilitates the resolution of the dispute, without prescribing the result. It is informal and non-adversarial. The mediator has no decision-making authority. The parties make the decisions, with their attorneys' advice.

What will happen at the mediation? When everyone has arrived, we convene in a conference room for a joint session. After the mediator's opening statement, each side's attorney can give an opening statement. After the opening statements, the parties usually go to separate "caucus" rooms, and the mediator will then "shuttle" between the two sides. Sometimes both sides meet again in joint session.

Can I be forced to compromise? The mediation rules do not require any party to make any compromise at any time. You may decide, based on advice from your attorney and the discussions in the mediation process, that you want to compromise. A settlement comes when the parties agree on a resolution which they believe meets their interests, with due regard for the strengths and weaknesses of the case and the practical realities of litigation. Most mediations end in a compromise settlement.

What happens if an impasse is reached? The case simply proceeds through the court system. No rights are lost by coming to mediation.

Can anyone else find out what was said at the mediation? Proposals made at the mediation, and all other communications made at the mediation, are confidential. Such discussions should not be revealed outside of your party or your lawyers. The mediator reports in writing to the Court whether the parties attended, and whether the case reached settlement or impasse, or was continued.

What other rules govern the mediator? Any party can give the mediator specific information in caucus and request that the mediator keep that information from the other side. The mediator must remain neutral and impartial. The mediator does not give legal advice; the mediator can, however, engage both sides in serious discussion of potential risks and rewards of litigation and alternative outcomes. The mediator must refrain from business relationships with parties or attorneys, and cannot be related to any of the parties or their attorneys by blood or marriage. The Florida Rules for Certified and Court-Appointed Mediators impose other obligations as well; a copy of these Rules is available on request. The mediator is subject to professional discipline for rule violations.

How do I know whether the other side's representative has full settlement authority? This issue is best raised before mediation, between attorneys for the parties. If discussions between attorneys do not succeed in reaching a satisfactory level of understanding about the party representative's authority, counsel should contact the mediator as soon as possible. The best resolution of the authority issue is for each representative to have the practical ability to decide at the mediation the actual negotiation position for its side.

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PETER J. GRILLI

MEDIATION

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1993-present	Peter J. Grilli, P.A. Full time mediation practice
1986-1993	Alpert, Josey, Grilli & Hughes, P.A. Litigation: commercial; products liability; insurance coverage; personal injury; construction; civil rights; labor/employment; intellectual property; federal and state courts; trial, appeal, mediation and arbitration
1982-1986	Allen, Dell, Frank & Trinkle Litigation substantially as above
1979-1981	Shackleford, Farrior, Stallings & Evans, P.A. Litigation substantially as above
1977-1979	Law clerk, Ben Krentzman U.S. District Court, Middle District of Florida

Education:

1977	Georgetown University Law Center, J.D. Editorial Board, Law & Pol'y Int'l Bus.
1973	Yale College, B.A. *cum laude* American Studies Henry H. Strong Prize, 1973

Activities and Honors:

Martindale-Hubbell Law Directory, av rating since 1990

George C. Carr Memorial Award for Excellence in Federal Practice and Distinguished Service to the Federal Bar, Federal Bar Association, 2001

First Degree Black Belt, Tampa Moo Duk Kwan, March 2002

Ferguson-White American Inn of Court
President, 1991-1992, 1996-1997
Founding member, Executive Committee, 1987-1999

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April 13, 2017

via e-mail:

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Re: Federal Trade Commission et al v. Life Management Services of Orange County, LLC et al
Case No.: 6:16-cv-00982-CEM-TBS

Dear Colleagues:

Enclosed please find the statement for the mediation of the above-captioned cause. Please let me know if I can assist in any further settlement efforts.

Very truly yours,

Peter J. Grilli

PJG/cd
Enclosure

INVOICE FOR MEDIATION SERVICES
April 13, 2017

Invoice #170413

Re: Federal Trade Commission et al v. Life Management Services of Orange County, LLC et al
Case No.: 6:16-cv-00982-CEM-TBS

Time charges:

March 20, 2017

.5 Administration time

April 12, 2017

1.75 Review mediation summaries with exhibits, ECF docket sheet and pleadings; review motions and orders; review cited legal authorities; prepare notes and questions

April 13, 2017

2.0 Mediate

NC Prepare final paperwork

4.25 x $390/hr = $1657.50

Per-side mediation fee: $552.50

Plaintiffs Federal Trade Commission and Office of the Attorney General, State of Florida, Department of Legal Affairs should pay: $552.50

Defendant Kevin W. Guice should pay: $552.50

Receiver Mark J. Bernet should pay: $552.50

Due upon receipt. Checks should be made payable to:

Peter J. Grilli, P.A.
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813.874.1002 Fax: 813.874.1131

Corporate EIN:
59-3215643