

From:

To: Adams, Marcia S Marcia.Adams@SCDMV.net

Date: 9/14/2009 3:45:16 PM

Subject:

Marcia:

I agree that mediation would be futile, and recommend that we agree with the proposition below.

Gene

From: Elizabeth Stevens [<mailto:stevens@au.org>]

Sent: Monday, September 14, 2009 11:58 AM

To: Gene Matthews; 'Andrew Lindemann'

Cc: 'Aaron J. Kozloski'; Ayesha Khan; 'Jennifer M. Baker'; 'jwright@dml-law.com'; Carol Howes; Jenny Adams

Subject: Summers v. Adams - Scheduling Order Deadline on Mediation

Messrs. Matthews and Lindemann,

Paragraph 7 of the scheduling order provides that counsel for each party must file and serve a statement concerning the availability and timing of mediation, and it requires that mediation in this case be completed by September 25. Local Civil Rule 16.05, however, provides that parties may decline to participate in mediation by so notifying the Court.

We have informed our clients of the availability of mediation. Given the nature of the dispute in this case, we do not believe that mediation would prove fruitful. If you agree, we propose that:

- (1) Each party file the statement described in para. 7 of the scheduling order, indicating that the parties have conferred and agree that mediation would be futile; and
- (2) Each party file with the Court's ADR Director a Mediation Initiation Form (attached to Judge Currie's standing order on mediation), indicating that the case is pending ruling on summary judgment.

We realize you will need to consult your clients, but we would appreciate your prompt response.

Many thanks,

Elizabeth J. Stevens

Madison Fellow

Americans United for Separation of Church and State

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Neither the above communication, nor any letter(s) we may write in an effort to resolve your concern, create an attorney-client relationship. Unless and until we enter into a formal, written retainer agreement with you, we are not acting as your attorneys in this matter, and we retain control over whether and how to take any action. Absent a formal attorney-client relationship with you, we cannot guarantee the confidentiality of your communications with us, although we always strive to maintain confidentiality and will not reveal the identity of a complainant without that person's permission or a court order requiring us to do so. If you would like an attorney to represent you in this matter, you are free to obtain formal counsel.