**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF NEW YORK**

# MEDIATION REPORT

**July 1, 2012 – June 30, 2013**

**ALTERNATIVE DISPUTE RESOLUTION**

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**Alternative Dispute Resolution**
***Administrator***

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## 1. The Number of Active Cases

Between July 1, 2012 and June 30, 2013, 166 cases were referred to mediation.

## 2. Status of Cases

During the period, July 1, 2012 to June 30, 2013, mediation was completed in 117 cases. Of these cases 67 (57%) were settled as a result of mediation. This number does not reflect cases that settled after they returned to the court. A total of 49 cases are now pending.

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

| Cause of Action | Sub-Category | Percent | | Number | | | |
|---|---|---|---|---|---|---|---|
| | | Settled | Unsettled | Settled | Unsettled | Pending | Total |
| Civil Rights | Accommodations | 100% | 0% | 2 | 0 | 1 | 3 |
| | Americans with Disabilities: Employment | 50% | 50% | 3 | 3 | 3 | 9 |
| | Jobs | 71% | 29% | 15 | 6 | 13 | 34 |
| | Others | 100% | 0% | 2 | 0 | 4 | 6 |
| Torts | Personal Injury | 100% | 0% | 5 | 0 | 3 | 8 |
| | Product Liability | 0% | 0% | 0 | 0 | 1 | 1 |
| | Motor Vehicles | 44% | 56% | 4 | 5 | 5 | 14 |
| Contract | Insurance | 75% | 25% | 3 | 1 | 2 | 6 |
| | Marine | 0% | 100% | 0 | 2 | 0 | 2 |
| | Real Property: Foreclosure | 100% | 0% | 1 | 0 | 0 | 1 |
| | Others | 25% | 75% | 3 | 9 | 6 | 18 |
| Intellectual Property | Trademark | 25% | 75% | 1 | 3 | 0 | 4 |
| | Copyrights | 50% | 50% | 1 | 1 | 0 | 2 |
| | Patent | 0% | 100% | 0 | 2 | 0 | 2 |
| Labor | E.R.I.S.A. | 100% | 0% | 1 | 0 | 0 | 1 |
| | Fair Standards | 58% | 42% | 15 | 11 | 6 | 32 |
| | Family and Medical Leave Act | 100% | 0% | 1 | 0 | 0 | 1 |
| | Federal Employer's Liability | 100% | 0% | 1 | 0 | 1 | 2 |
| | Others | 100% | 0% | 1 | 0 | 2 | 3 |
| Other | Agriculture Acts | 100% | 0% | 1 | 0 | 0 | 1 |
| | Anti-Trust | 0% | 0% | 0 | 0 | 1 | 1 |
| | Consumer Credit | 100% | 0% | 2 | 0 | 0 | 2 |
| | Environmental Matter | 0% | 0% | 0 | 0 | 1 | 1 |
| | Racketeer | 50% | 50% | 2 | 2 | 0 | 4 |
| | Real Property | 0% | 100% | 0 | 2 | 0 | 2 |
| | Statutory Question | 25% | 75% | 1 | 3 | 1 | 5 |
| | Stockholder's suit | 100% | 0% | 1 | 0 | 0 | 1 |
| Total | | | | 67 | 50 | 49 | 166 |

## 4. Mediation Referral by Cause of Action

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

## 6. Cases

From the prior fiscal year (July 1, 2011 – June 30, 2012), 35 more cases were referred to mediation. At the same time, the number of civil cases filed in the Eastern District of New York was as follows:

| Year | Number of Cases Filed |
|---|---|
| 2009 | 5574 |
| 2010 | 5906 |
| 2011 | 6204 |
| 2012 | 6516 |
| 2013 | 6788 |

## 7. Judge Referral Statistics

All of the 166 referrals to mediation during this period were made by magistrate judges.

## 8. Frequency of referrals by Magistrate Judge

## 9. Conclusions

Fifty-seven (57) percent of all cases referred to mediation in the Eastern District of New York during the past year settled. With the steady increase in civil filings over the past five years, court-annexed mediation offers an effective, efficient and inexpensive means of resolving cases.

Respectfully Submitted,

Gerald P. Lepp

Brooklyn, New York
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