

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re: BAYCOL PRODUCTS LITIGATION

MDL No. 1431

(MJD)

This Document Relates to All Action

Pretrial Order No. 60

Pretrial Orders 51 and 59 established settlement and mediation provisions for Baycol cases. This Order further implements the Court Sponsored Baycol Settlement and Mediation Program.

IT IS HEREBY ORDERED:

1. Lewis Remele is appointed under Rule 53 of the Federal Rules of Civil Procedure as Special Master to administer the Baycol Settlement and Mediation Program and to be a mediator.
2. Special Master Remele will work with Judge Davis, Magistrate Judge Lebedoff, and Special Master Haydock in implementing the Settlement and Mediation Program.
3. Pretrial Orders 51 and 59 govern the administration and work of Special Masters Remele and Haydock with regard to the Baycol Settlement and Mediation Program and to be a mediator.
4. If Special Master Remele concludes that any party or counsel refuses or fails to comply with the provisions of this Order or Pretrial Orders 51 and 59, the Special Master shall have the power to issue a written or oral order directing compliance. If a party or person objects to such an order by the Special Master, that party or person shall file a written objection including

reasons with this Court within five (5) days of the receipt of the written or oral order.

5. Special Master Remele and the Special Master staff shall have immunity and protections as provided in Paragraph 15 of Pretrial Order 59 and Paragraph 5 of Pretrial Order 51.
6. The Special Master does not act as an advocate, representative, fiduciary, or counsel for any party and has no formal coercive authority to make any binding decisions or recommendation or to compel the making of any agreement or the granting of any concession, except as specified in the Orders of this Court or permitted under Federal Rule of Civil Procedure 53.
7. The fee for the Special Master/Mediator shall be \$300 per hour. This fee shall be paid to the Special Master upon receipt of the Special Master's invoice. The fee shall be borne by the mutual agreement of the parties. In the event the parties are not able to agree, after due notice and hearing, the Court shall allocate responsibility for the payment of the Special Master's fee amongst the parties.

8. The failure to comply with any part of this Order shall subject the parties to appropriate sanctions to include assessment of costs against the delinquent party, dismissal or other relief the Court may deem appropriate.

SO ORDERED this 9th day of January, 2003.

_____/s/_____
Honorable Michael J. Davis
United States District Court