

MEDIATION FEE SCHEDULE

1. Services Included In Mediation Fees. The Mediation Fees set forth herein are based upon a single full day mediation session, commencing at 9:00 a.m. and continuing until the matter is resolved or an impasse is reached. The Mediation Fees also include time spent by the TDRS mediator in advance of the mediation reviewing the written submissions of the Parties and preparing for the mediation. The Mediation Fees also include phone conferences with counsel in advance of the mediation to discuss administrative matters and/or procedural issues concerning the conduct of the mediation.

2. Calculation of Mediation Fees. The amount of the Mediation Fees is dependent on the location of the mediation, the amount in controversy, and the number of parties.

3. Mediation Fee Matrix.

a. Mediation fees for mediations conducted in Dallas, Texas:

<u>Amount In Controversy</u>	<u>Per Party Fee 2 Parties</u>	<u>Per Party Fee 3 Parties</u>	<u>Per Party Fee 4 Parties</u>	<u>Per Party Fee 5 Parties</u>
Less than \$1MM	\$2,500.00	\$1,670.00	\$1,250.00	\$1,000.00
\$1MM – \$5MM	\$3,000.00	\$2,000.00	\$1,500.00	\$1,200.00
\$5MM – \$15MM	\$3,500.00	\$2,335.00	\$1,750.00	\$1,400.00
Over \$15MM	\$4,000.00	\$2,670.00	\$2,000.00	\$1,600.00

b. Mediation fees for mediations conducted outside of Dallas, Texas:

<u>Amount In Controversy</u>	<u>Per Party Fee 2 Parties</u>	<u>Per Party Fee 3 Parties</u>	<u>Per Party Fee 4 Parties</u>	<u>Per Party Fee 5 Parties</u>
Less than \$1MM	\$3,500.00	\$2,335.00	\$1,750.00	\$1,400.00
\$1MM – \$5MM	\$4,000.00	\$2,670.00	\$2,000.00	\$1,600.00
\$5MM – \$15MM	\$4,500.00	\$3,000.00	\$2,250.00	\$1,800.00
Over \$15MM	\$5,000.00	\$3,335.00	\$2,500.00	\$2,000.00

A Party that has made an insurance claim and has a representative of its carrier attending the mediation is counted as one Party, and not two Parties. Multiple Parties to a Dispute that are represented by the same counsel are counted as one Party for purposes of calculating the Mediation Fees per party.

For mediations conduct outside of Dallas, Texas, the Parties are expected to provide at their expense the meeting space used to conduct the mediation and the working lunch during the course of the mediation, **but the Mediation Fees are inclusive of all travel expenses incurred by the TDRS mediator (airfare, hotel, taxi/rental car, parking, etc.).**

5. Payment of Mediation Fees. TDRS will confirm the amount of the per party Mediation Fees hereunder at the time the Dispute is scheduled for mediation. The Mediation Fees will be due and payable to TDRS upon scheduling the mediation. If the Mediation Fees have not been paid in full by all Parties by the date two (2) weeks in advance of the mediation date, TDRS reserves the right to postpone the mediation date and give the date requested by the Parties to another TDRS client.

6. Refund of Mediation Fees for Dallas Mediations. For mediations conducted in Dallas, Texas, if the mediation is cancelled by the Parties at any time prior to the mediation date, TDRS will refund any Mediation Fees paid by the Parties for the mediation. If the mediation date is postponed for any reason, a new mediation date will be scheduled and the Mediation Fees will be held by TDRS until the new mediation date. Once the mediation is convened by TDRS on the mediation date, the Mediation Fees shall be deemed fully earned and there will be no refund of any portion of the Mediation Fees paid.

7. Cancellation Fees and Change Fees for Mediations Outside of Dallas. For mediations to be conducted outside of Dallas, Texas, if the Parties cancel the mediation for any reason prior to the mediation date, TDRS will refund the Mediations Fees paid by the Parties less a cancellation fee of \$2,000.00. The \$2,000.00 cancellation fee will be split evenly between the Parties. For mediations to be conducted outside of Dallas, Texas, if the Parties change a previously agreed to and scheduled mediation date, the Parties will pay TDRS an additional \$2,000.00 change fee. The \$2,000.00 change fee will be split evenly between the Parties. Once the mediation is convened by TDRS on the mediation date, the all Mediation Fees shall be deemed fully earned and there will be no refund of any portion of the Mediation Fees paid.

8. Mediations on Weekends. Mediations may be scheduled on weekends if requested by the Parties or required by scheduling limitations. There will be an additional twenty percent (20%) added to the Mediation Fees for mediations scheduled on weekend days.

9. Multi-Day Mediations. TDRS encourages the Parties to attempt to resolve their disputes in a single day of mediation. If, however, the Parties determine at or after the initial mediation session that another session is appropriate, an additional Mediation Fee will apply to each further day of mediation at the rates set forth herein. Where the Parties request at the outset of mediation that the mediation be scheduled for more than one day, the Mediation Fee will be based upon the total number of mediation days requested and will be fully earned at the commencement of the initial day of mediation.

10. Form of Payment. All Parties' fee payments should be in the form of a check or cashier's check, or check drawn on the bank account of (or payment guaranteed by) a law firm or insurance company and made payable to "Technology Dispute Resolution Services."