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## Palisair

1 message

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**Marc Rohatiner** <mrohatiner@wrslawyers.com>

Tue, May 19, 2015 at 2:28 PM

To: Gregory Aldisert <galdisert@kwikalaw.com>, David Schultz <dschultz@polsinelli.com>, Faryan Afifi <faryan@afifilaw.com>

Greg, David and Faryan:

Based on our recent discussions, I think we will be able to go forward with the mediation. While I am certainly open to suggestions, given the proximity of the target date for the mediation, I have taken the liberty of contacting the scheduler for one retired judge who happens to have expertise dealing with our issues. His name is Joe Hilberman and he is at ADR Services, Inc. He does have time for a half day mediation the afternoon of the 27<sup>th</sup>. He would not, however, have time to hold the mediation at the property; it would have to be held in the Century City office. If any of you have other suggested names, check their availability on the 26<sup>th</sup> and the 27<sup>th</sup> and let the rest of us know who you want to suggest.

With respect to the documents, in the context of mediation, the proposal is that in advance of the mediation, the following documents will be provided:

1. Faryan will agree to allow Greg and his clients to review the plans that received preliminary approval from the Association and the current plans pursuant to which construction is proceeding.
2. All parties will exchange copies of any written communications sent or received concerning: (a) Faryan's efforts to obtain Association approval of his plans; (b) the impact of Faryan's plans on view; or, (c) Faryan's compliance or lack of compliance with the CC&Rs. The reason I am placing some limit on this category is that I imagine Faryan has hundreds of pages of writings relating to the project that have nothing to do with the issues in this case. In addition, no one will be expected to produce any documents that are the subject of attorney-client privilege.

In order to get this tied down, I urge you to call me as soon as possible if you have any questions. Alternatively, hopefully you can confirm that we can proceed.

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