SUPER SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA CIVIL DIVISION

| STEVEN J. ROSEN | : | |
|----------------------------------|---|--------------------------|
| Plaintiff | : | |
| | : | |
| V. | : | Case No.: 2009 CA 001256 |
| | : | Judge Erik Christian |
| AMERICAN ISRAEL PUBLIC | : | Next Event: Mediation |
| AFFAIRS COMMITTEE, INC., et. al. | : | Date: January 13, 2011 |
| | : | |
| Defendants | : | |

<u>CONSENT MOTION TO PERMIT INSURANCE ADJUSTER TO PARTICIPATE AT</u> JANUARY 13, 2011 MEDIATION VIA TELEPHONE

Defendants, the American Israel Public Affairs Committee, Inc. ("AIPAC") and Patrick Dorton, through counsel, Carr Maloney P.C., and with the consent of Plaintiff Steven Rosen, submit this Consent Motion to respectfully request that this Court excuse AIPAC's insurance adjuster from attending the mediation on January 13, 2011 in person, and grant permission for their insurance adjuster to participate in the mediation via telephone. In support of this Consent Motion, Defendant respectfully refers the Court to the attached Memorandum of Points and Authorities.

Respectfully submitted,

CARR MALONEY P.C.

By:___/s/

Thomas L. McCally, #391937 Allie M. Wright, #499323 2000 L Street, NW, Suite 450 Washington, DC 20036 (202) 310-5500/(202) 310-5555 tlm@carrmaloney.com amw@carrmaloney.com

SUPER SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA CIVIL DIVISION

| STEVEN J. ROSEN | : | |
|----------------------------------|---|---|
| Plaintiff | : | |
| v. AMERICAN ISRAEL PUBLIC | : | Case No.: 2009 CA 001256 Judge Erik Christian Next Event: Mediation |
| AFFAIRS COMMITTEE, INC., et. al. | : | Date: January 13, 2011 |
| Defendants | : | |

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF CONSENT MOTION TO PERMIT INSURANCE ADJUSTER TO PARTICIPATE AT JANUARY 13, 2011 MEDIATION VIA TELEPHONE

In support of the foregoing Motion, Defendant asserts as follows:

1. Mediation in this matter is scheduled for January 13, 2011.

2. Pursuant to Superior Court Rule 16(f) and (j) all parties and any person not a party whose authority may be needed to settle the case must attend the mediation unless "excused by the Court for good cause shown."

3. AIPAC's Insurance Adjuster, Mr. McKernan is a non-party to this matter whose authority may be needed to settle this matter at the Court-ordered January 13, 2011 mediation. AIPAC's insurance adjuster is located in Pennsylvania and AIPAC, therefore respectfully requests that the Court permit AIPAC's insurance adjuster to attend the mediation via telephone.

4. Plaintiff's counsel has agreed that AIPAC's Insurance Adjuster should be excused from attending the mediation in person.

5. Good cause exists to Defendant's Insurance Adjuster as he resides in Pennsylvania and will be available by telephone, and because the impending weather and a potential scheduling conflict will make it difficult for the adjuster to appear in person. 6. The Plaintiff will not suffer any prejudice should the Court permit Defendants' Insurance Adjuster to participate via telephone rather than appear in person.

Respectfully submitted,

CARR MALONEY P.C.

By: /s/

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 10th day of January, 2011, I will electronically file the foregoing with the Clerk of the Court using the CaseFile Express system, which will then send a notification of such filing to David H. Shapiro, attorney for Plaintiff.

/s/ Allie M. Wright

SUPER SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA CIVIL DIVISION

| STEVEN J. ROSEN | : |
|----------------------------------|--|
| Plaintiff | |
| v. | Case No.: 2009 CA 001256 Judge Erik Christian |
| AMERICAN ISRAEL PUBLIC | : Next Event: Mediation |
| AFFAIRS COMMITTEE, INC., et. al. | : Date: January 13, 2011 |
| | : |
| Defendants | : |

CONSENT ORDER

Upon consideration of Defendants' Consent Motion to Permit Insurance Adjuster to

Participate at January 13, 2011 Mediation via Telephone, it is, this _____ day of January,

2011;

ORDERED, that the Consent Motion is GRANTED; and it is further,

ORDERED, that Defendants' Insurance Adjuster is permitted to participate at the January

13, 2011 mediation via telephone.

SO ORDERED.

Judge Erik Christian

cc: David H. Shapiro 1225 Eye Street, NW, Suite 1290 Washington, DC 20005

> Thomas L. McCally Allie M. Wright 2000 L Street, NW, Suite 450 Washington, DC 20036