

U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS
ON THE COURTS DOCKET
TAWANA C. MARSHALL, CLERK



JUN 24 2010

D. Michael Lynn
U.S. Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

IN RE:

TEXAS RANGERS
BASEBALL PARTNERS,

DEBTOR.

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§

CHAPTER 11

CASE NO. 10-43400 (DML)-11

**ORDER REQUIRING MEDIATION,
RESETTING HEARING ON CONFIRMATION,
AND SUSPENDING DISCOVERY PENDING MEDIATION**

The Court understands that additional time for mediation could possibly lead to the proposal of a consensual plan in this case. No party who is the subject of this order has objected to mediation; some parties affirmatively support mediation. The court enters this order to facilitate the mediation, preserve the confidentiality of the mediation process, and establish orderly procedures for the mediation. It is therefore

ORDERED that:

1. The following entities, (a) Texas Rangers Baseball Partners (“Debtor”), (b) Major League Baseball (including the Office of the Commissioner), (c) The Ad Hoc Group of First Lien Lenders, (d) J.P. Morgan Chase, Administrative Agent for the First Lien Holders, (e) GSP Finance LLC, Administrative Agent for the Second Lien Holders (collectively, the “Lenders”), and (f) the Official Committee of Unsecured Creditors (all of the foregoing being referred to herein as the “Parties”) are ordered to mediation regarding the Debtor’s proposed plan of reorganization and treatment of the Lenders’ claims thereunder. The mediation shall commence at 9:30 a.m. on ~~June~~ ^{July} 16, 2010, at the offices of Weil, Gotshal & Manges, 200 Crescent Court, Suite 300, Dallas, Texas 75201. Once commenced, the mediation may continue from day to day until concluded. The Honorable Russell F. Nelms, United States Bankruptcy Judge for the Northern District of Texas, is appointed to act as mediator (the “Mediator”).

2. The hearing on confirmation of a Debtor’s plan is continued to July 22, 2010, at 9:30 a.m.

3. All discovery concerning confirmation is suspended until the mediation is terminated by the Mediator.

4. The Mediator may, in his discretion, mediate any other matter upon request by a Party. The Mediator’s agreement to mediate such matter constitutes the court’s order for the necessary parties to attend that mediation.

5. Except as directed by the Mediator, representatives of the Parties and their respective counsel (the “Required Attendees”) are directed to attend the mediation conference. The attending representatives must have authority to bind their respective constituencies (subject only to court approval of any agreement that might be reached).

The Required Attendees must attend the mediation in person. Additional parties may attend the mediation conference with the consent of the Mediator.

6. All Parties, including their employees, officers, agents and attorneys, are bound by the confidentiality provisions of this Order to encourage free transmission of information. Counsel for each Party shall notify its respective members of the provisions of the protective order.

7. All mediation sessions shall be private, confidential and privileged from discovery. The Mediator shall not disclose any information revealed by the Parties or any of the Parties unless (1) authorized by the Parties revealing the information or as otherwise required by law or authorized by the court; and (2) the Mediator deems such disclosure consistent with the purpose of the mediation. The Mediator shall not be subject to subpoena or discovery or otherwise be required to testify or produce evidence absent further order of the court.

8. The Parties shall maintain the confidentiality of the mediation and shall not rely on, or introduce as evidence in any arbitral, judicial or other proceeding:

- a. views expressed or suggestions made by another Party with respect to a possible settlement of the dispute;
- b. admissions made by another Party in the course of the mediation proceedings;
- c. proposals made or views expressed by the Mediator; or
- d. the fact that another Party had or had not indicated willingness to accept a proposal for settlement made by the Mediator.

Except as provided in paragraph 7 of this Order, nothing contained herein shall limit either Party's rights to introduce evidence that is discoverable outside the context of the mediation.

9. There shall be no stenographic record of the mediation process and no person shall record any portion of the mediation session.

10. No subpoenas, summonses, complaints, citations, writs or other process may be served upon any person at or near the site of any mediation session or upon any person entering, attending or leaving the mediation session.

11. The Mediator is expressly permitted to meet privately with any of the Parties and have such *ex parte* communications with any of the Parties before, during or after the formal mediation date as the Mediator determines is necessary and appropriate in connection with the mediation.

12. The Mediator has the discretion to terminate the mediation at any time if he believes that an impasse has been reached, or that the mediation should not be continued for any other reason. The Court will be advised by the Mediator whether the dispute settled or not, whether the mediation was recessed or was reset, whether there was any willful failure of any person to attend or participate in good faith in the mediation process or conference.

SO ORDERED.

END OF ORDER