

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE

JERRY DUNCAN, ET AL.,  
Plaintiffs,

v.

No. 3:10-CV-217

TENNESSEE VALLEY AUTHORITY  
RETIREMENT SYSTEM, and TENNESSEE  
VALLEY AUTHORITY,  
Defendants.

*Judge Trauger*

**JOINT MEDIATION REPORT**

Pursuant to section V of the Scheduling Order (Doc. 104 at PageID 1397), the parties submit this Joint Mediation Report and, in so doing, report that the parties will move this Court, after the parties agree to a mediator and a mediation schedule, to administratively close this matter to allow them an opportunity to engage in mediation that will likely take a significant amount of time to complete.

The parties have been engaged in active discussions concerning a possible settlement for some time. Through that process, they have determined that mediation may provide a means of resolving the complex matters involved in this case. As this Court is aware, this lawsuit raises issues concerning benefits available under the TVARS Rules and Regulations, which provides current retirement benefits to approximately 24,000 TVA retirees and serves as the retirement system for the current 11,000 plus TVA employees. All parties recognize the complex nature of these issues, and they believe a mediator may help them facilitate a mutually-agreeable resolution.

The parties agree that this will not be a standard mediation. Instead, the parties envision the use of a mediator who will engage in shuttle diplomacy over a period of weeks or months to

help facilitate a compromise over these complicated issues. The process may take some time to get started, but the parties have agreed to use best efforts to identify a mediator promptly and begin the mediation process. Further, the parties have agreed to conduct frequent periodic meetings and/or conference calls with the mediator during the process to ensure that the matters are continuing to move forward. If at any time one of the parties determines that mediation will be unsuccessful, that party would have the right to petition this Court to reopen the case. At that time, the parties jointly would propose a final scheduling order moving forward.

While the parties recognize that this Court has granted previous requests to extend the deadlines, they continue to agree that the best approach at this time is to allow them to continue to investigate and discuss the complicated issues involved in this case with the assistance of a professional mediator. Because the parties previously informed the Court that, if not resolved by agreement, this case would likely be resolved through dispositive motions no trial date was set, and the requested stay will not affect this Court's trial calendar.

## CONCLUSION

Therefore, the parties respectfully report that they will within 30 days report that they have agreed to a mediator and a mediation schedule and at that time request the Court to close administratively this case subject to reopening at the request of any party so that they parties may engage in a meaningful and likely extended mediation process.

Respectfully submitted,

/s/James G. Stranch

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served electronically by operation of the Court's electronic filing system on the date shown in the document's ECF stamp, upon the following:

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