



## CONFIDENTIALITY AGREEMENT

### PARTICIPANTS IN MEDIATION ARE DEEMED BOUND TO THE TERMS SET OUT IN THIS CONFIDENTIALITY AGREEMENT

I agree to participate in a closed mediation process with Heidi Ruppert, mediator, of Ruppert McCarthy ADR Inc.

I agree that I will not record the mediation in any manner whatsoever. I agree that I will be alone in a private space where no one can hear or see the pre-mediation or mediation proceedings.

I agree that everything discussed and disclosed in the mediation is without prejudice and will not be disclosed in court proceedings unless disclosed or discussed outside the mediation. Without limitation, this means:

1. statements made and documents produced in the pre-mediation and mediation and not otherwise discoverable shall not be subject to disclosure through discovery or any other process and shall not be admissible into evidence for any purpose, including impeaching credibility,
2. the notes, records, and recollections of the person conducting the mediation shall be confidential and protected from disclosure for all purposes; and
3. the person presiding over the mediation shall have immunity described in s. 82 of the *Courts of Justice Act*, with necessary changes to points of detail.

I agree all participants (me, the other party, lawyers (whether in attendance or not), the mediator, Observer or support person, if any, etc.) undertake to the Superior Court of Ontario that mediation communications (meaning statements, whether oral or in a record or verbal or nonverbal, that occur during a mediation, or are made for purposes of considering, conducting, participating in, initiating, continuing or reconvening a mediation or retaining a mediator) shall be kept confidential except to such extent, (a) as expressly agreed by the Parties and the Mediator, (b) as required by law, or (c) for purposes of enforcing any settlement reached. Each Party, Counsel (in attendance or not) the mediator and other person in attendance, if any, acknowledges and agrees that breach of such undertaking may give rise to sanctions imposed by the said Court including a finding of contempt of Court.

Virtual mediations will take place via the ZOOM platform. By accepting the ZOOM link, I and all participants to the mediation are **DEEMED TO ACCEPT, AGREE AND BE BOUND TO THE TERMS OF THIS CONFIDENTIALITY AGREEMENT** even if I didn't read this document as I was advised to. I agree that my **SIGNATURE** on this document IS **NOT REQUIRED TO BIND ME** to the terms in this Confidentiality Agreement.