

FRANKLIN CIRCUIT COURT
DIVISION II
CIVIL ACTION NO. 13-CI-1060

NORTON HEALTHCARE, INC.

PLAINTIFF

v.

UNIVERSITY OF LOUISVILLE

DEFENDANT

NOTICE

Please take notice that at 9:00 a.m., on February 5, 2014, in the above-named Court or as soon thereafter as counsel may be heard, the undersigned will make the following Motion and tender the attached Order.

MOTION FOR ORDER OF MEDIATION

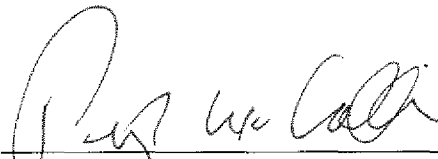
The defendant, University of Louisville (“UofL”), respectfully moves the Court to enter the attached Order directing the parties to participate in mediation of the disputes between them before an experienced professional mediator appointed by the Court within thirty (30) days of the entry of this Order. This action directly impacts the public interest. The outcome influences the kind of care received by children at Kentucky’s flagship pediatric hospital operated on taxpayer-owned property, Kosair Children’s Hospital, and it affects the future of the UofL School of Medicine’s pediatric teaching programs.

Both UofL and Norton Healthcare, Inc. (“Norton”) have invested a great deal of time and energy in negotiating the disputes between them, as encouraged by this Court in its Order of September 16, 2013. Indeed, the parties tolled this litigation by agreement throughout their negotiations. UofL and Norton agreed to many of the important business terms at a four-day retreat at the end of October 2013. The parties made excellent progress toward reaching agreement on the terms of an affiliation agreement permitting the UofL School of Medicine to

continue its pediatric teaching programs at Kosair Children's Hospital, as well as other disputes under the land lease. The parties came close to reaching an agreement twice, but in both circumstances, Norton ultimately refused to appear for scheduled meetings and called off the talks.

The parties would benefit from the services of an experienced professional mediator. There is good reason to conclude that a court-appointed mediator would assist the parties in bridging the gap between their positions and by helping build a long-lasting collaborative relationship that is in the best interests of the children served by Kosair Children's Hospital, the parties and the Commonwealth. It makes sense to schedule and conduct a mediation now while the work done by the parties is still fresh and before the parties devote all of their attention and resources to prosecuting the litigation.

Respectfully submitted,



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CERTIFICATE OF SERVICE

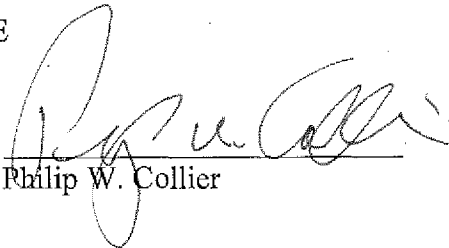
I hereby certify that a copy of the foregoing *Notice & Motion for Order of Mediation* was served by electronic mail and U.S. Mail, First Class, on the 29th of January, 2014 upon:

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