

RE: Neutral Intervention of Ernest G. Tannis, Facilitator

1. ***Convening***: Convening the parties and their representatives if any, to agree to the signing of these Terms of Reference and to drafting same.
2. ***Caucus***: Meeting by one separate caucus with all of the parties, and their respective representatives, and/or with others whom their said lawyers may direct.
3. ***Agenda Setting***: Then helping them develop issues management list, mutual fact-finding, streamlining all the matters to be addressed as much as possible if a total settlement is not reached and create an agenda in co-operative preparation for meeting together.
4. ***Pre-Meeting Preparation and Conciliation***: Review of all relevant documents, research, if necessary, discussions with outside experts and legal counsel, as may be applicable, separate one-on-one sessions with the parties, as may be appropriate; equal time throughout given to everyone involved. The intent is to ensure the most effective use and return of investment of the human and economic costs associated with the process and the attendance at the joint session(s).
5. ***Facilitation Session***: Then if advisable facilitating a joint session with them, all together or in a series.
6. ***Agreement or Ongoing Settlement Strategies Analysis***: Then assisting in the drafting of a final and mutually-binding legal agreement or in contributing to an ongoing ADR (Alternative Dispute Resolution) approach including formal mediation or other settlement or intervention strategies before or during any other proceedings to help reduce the time, financial and human costs involved and to expedite same for any necessary adjudication whether judicial, arbitral or otherwise on some or all of the issues.

7. **Facilitator's Report:** If everyone involved agrees, a report can be prepared. The approach, though, is also based on consensus, and stems from the one-text approach that has been developed over the years. No judgements are made, and no opinions are rendered by the neutral. Rather a summary of the process, the different perspectives and various views as to options for future steps, if any are required, are set out. Also, if desired, other recommendations can be made for the parties to consider implementing. This report would refer to any agreements that have been signed further to step 6 above, but can go further as everyone believes is beneficial. A draft of the report is prepared, and sent to all sides for their input, after which amendments are made, and this continues until there is a final version that is acceptable to each of the participants, and only at that time is the Facilitator's Report issued, for use by the parties and for future reference.
8. **Arrangements:** These arrangements are purely voluntary and may be terminated at any time by any of the parties, or by the Neutral.

Please accept by initialling this appendix below:

Ernie Tannis, Facilitator For the Parties

Before the facilitation process begins, arrangements shall be made between the facilitator, the parties and their representatives as to payment of fees and disbursements.