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Order Compelling Mediation (KENNESAW
STATE UNIVERSITY FOUNDATION, INC.)

Alice D. Bonner
Superior Court of Fulton County

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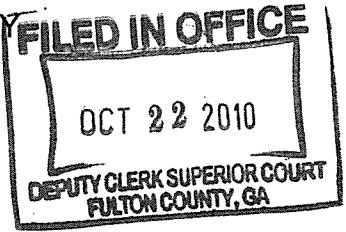
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IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA



KENNESAW STATE UNIVERSITY
FOUNDATION, INC.,

Plaintiff,

v.

PLACE COLLEGIATE DEVELOPMENT,
LLC, CECIL M. PHILLIPS, and
MANHATTAN CONSTRUCTION
COMPANY,

Defendants,

Civil Action File No. 2008-CV-156905

MANHATTAN CONSTRUCTION
COMPANY,

Counter/Cross and
Third Party-Plaintiff,

v.

KENNESAW STATE UNIVERSITY
FOUNDATION, INC., PLACE
COLLEGIATE DEVELOPMENT, LLC,
and CECIL M. PHILLIPS,

Counter/Cross-Defendants,

and

CPD PLASTERING, INC., ST. PAUL
FIRE AND MARINE INS. CO., TC
DRYWALL AND PLASTER, INC., THE
GUARANTEE CO. OF NORTH
AMERICA USA, ATLANTA DRYWALL
AND ACOUSTICS, INC., AMERICAN
SOUTHERN INS. CO., METRO
WATERPROOFING, INC. and
WESTERN SURETY CO.,

Third-Party Defendants.

ORDER COMPELLING MEDIATION

Several parties having proposed that a second mediation be held in an attempt to resolve all claims in this case, **ALL PARTIES ARE ORDERED** to participate in a comprehensive mediation with Senior Judge Stefanie B. Manis on either November 3,

2010 or November 4, 2010. A representative with full settlement authority from each party must attend. If any party is insured for any claims asserted in this case, a representative from such party's insurer must also attend.

Counsel for Place Collegiate Development, LLC and Cecil M. Phillips is
ORDRED to coordinate the mediation with Judge Manis and communicate the details of the mediation to all parties. Judge Manis may be reached for purposes of her mediation calendar through Nancy Grossman at (404) 357-8888 or flmatters@bellsouth.net.

In light of this mediation, the pre-trial conference and hearing on all pending motions previously set for November 1, 2010 is hereby reset to Friday, November 5, 2010 at 10:00 a.m. in Courtroom 9J of the Fulton County Courthouse, 136 Pryor Street, 9th Floor, Atlanta, Georgia, 30303, and will be cancelled if the mediation is successful.

The parties must report to the Court the status of mediation at the close of the mediation.

SO ORDERED this 22nd day of October, 2010.

Alice D. Bonner

ALICE D. BONNER, SENIOR JUDGE
Superior Court of Fulton County
Atlanta Judicial Circuit

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