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**ORDER AUTHORIZING  
FAMILY COURT EARLY CASE MANAGEMENT AND EARLY MOTION MANAGEMENT**

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WHEREAS, the below-signing Judge of Koochiching County have elected to participate in Early Case Management (ECM), as authorized in the Order of then-Chief Justice Kathleen A. Blatz, dated April 23, 2004, Judicial Policies 520 and 520.1, the Minnesota Court Rules, and Judicial Cannon 2.5; and

WHEREAS, the Judge has elected to Pilot an Expansion of ECM in post-decree and post-custody/paternity determination motions;

IT IS HEREBY ORDERED:

**1. EARLY CASE MANAGEMENT**

Effective August 1, 2021, all new annulments, child custody, dissolution of marriage (with and without children), family-other, legal separation, and separate maintenance case-types and paternity cases convened in or referred to District Court, shall be scheduled for an Initial Case Management Conference (ICMC), as soon as possible, but no later than 28 days from the date of case filing, unless the case is filed with a completed Marital Termination Agreement, Joint-Petition, or other full stipulation and proposed decree or final order.

- a. The Valuation Date for financial assets/liabilities in all dissolution cases shall be the date of the ICMC, unless otherwise agreed by the parties.
- b. Motions are prohibited prior to the ICMC, and, if opted into, prior to the completion of the initial Alternative Dispute Resolution (ADR) process, except by express permission of the court or pursuant to Gen. R. Prac. Rule 303.04. Permission will be granted only upon a showing of compelling circumstances, such as denial of access to financial resources or to children. Requests to make such a motion, and any responses to such requests, shall be made only by letter to the court of no more than two pages in length, a copy of which must be served on all opposing counsel and self-represented litigants. Permission to file a motion does not remove a case from the Early Case Management track. However, the need for such a motion should be taken into consideration when deciding whether ADR may be appropriate for the case.
- c. If both parties are represented, they may file a stipulation as to their agreed-upon ADR process and completion date and their property Valuation Date, on the form approved by the court. As part of their stipulation they may request a waiver of the ICMC. Their stipulated request must be received at least three (3) business days prior to the scheduled ICMC. A waiver may be granted at the discretion of the ICMC judge.
- d. The ICMC may not be waived if either or both parties are unrepresented.

## 2. **EARLY MOTION MANAGEMENT**

Effective August 1, 2021, the following procedures shall apply for post-decree and post-custody/paternity determinations in the case types listed in paragraph 1, *above*:

- a. The party wishing to bring a motion shall contact court administration to schedule a motion hearing. (Minn. R. Gen. Prac. 115.02.)
- b. Court administration shall give the party an Initial Motion Management Conference (IMMC) date no later than 35 days from the date of the initiating party's contact with court administration and a motion hearing date at least 130 days from the date of the initiating party's contact with court administration.
- c. The party scheduling the motion hearing must promptly notify the other party of the motion hearing date and the basic reason for the motion and specific relief sought. (Minn. R. Gen. Prac. 303.01(a)).
- d. Court administration shall provide to both parties written notice of the IMMC date.
- e. Twenty-one (21) days before the IMMC, the party scheduling the motion hearing shall file and serve the Notice of Motion and Motion but shall not file any supporting Affidavit or Legal Memorandum until after the IMMC and ADR processes are complete. (Compare Minn. R. Gen. Prac. 303.03(a)(1).)
- f. Fourteen (14) days before the IMMC, if the opposing party wishes to raise new issues beyond the original motion, the opposing party must file and serve its own Notice of Motion and Motion, but shall not file any supporting Affidavit or Legal Memorandum until after the IMMC and ADR processes are complete. (Compare Minn. R. Gen. Prac. 303.03(a)(3).)
- g. The party scheduling the motion hearing must engage in settlement efforts but is not required to participate in an Alternative Dispute Resolution (ADR) process, within seven (7) days of filing the Motion. (Compare Minn. R. Gen. Prac. 303.03(c).) The requirement and options for ADR settlement efforts shall be addressed at the IMMC. (*Id.*)
- h. All ADR settlement efforts shall be completed 30 days prior to the scheduled motion hearing date.
- i. The party scheduling the motion hearing shall file and serve his/her supporting Affidavit(s) and any Legal Memorandum/a at least 28 days prior to the scheduled motion hearing date, but no sooner than 30 days prior to the scheduled motion hearing date. (Minn. R. Gen. Prac. 303.03(a)(1).)
- j. If the opposing party filed his/her own motion to raise new issues, he/she shall file and serve his/her supporting Affidavit(s) and any Legal Memorandum/a at least 14 days prior to the scheduled motion hearing date, but no sooner than 30 days prior to the scheduled motion hearing date. (Minn. R. Gen. Prac. 303.03(a)(1).)
- k. The opposing party shall file and serve his/her response to the issues in the scheduling party's motion at least 7 days prior to the scheduled motion hearing date, but no sooner than 30 days prior to the scheduled motion hearing date. (Minn. R. Gen. Prac. 303.03(a)(3).)
- l. The party scheduling the motion hearing must file a Certificate of Settlement Efforts at least 24 hours before the scheduled motion hearing. (Minn. R. Gen. Prac. 303.03(c).)

- m. If both parties are represented, they may file a stipulation as to their agreed upon ADR process and completion date. As part of their stipulation they may request a waiver of the IMMC and an earlier motion hearing date. Their stipulated request must be received at least three (3) business days prior to the scheduled IMMC.
3. All parties and their attorneys, if any, shall be present for ICMCs and IMMCS.
4. All parties shall submit to court administration their ICMC or IMMC Data Sheet at least three (3) business days prior to the ICMC or IMMC.
5. Neither party shall file any motions for temporary relief prior to the completion of the initial ADR process chosen at the ICMC or IMMC, unless there are extraordinary circumstances involving imminent danger to a child or to one of the parties or imminent loss of property.
6. Neither party shall initiate formal discovery prior to the ICMC or IMMC.
7. All ICMCs and IMMCS for Koochiching County cases will be held in-person, (a) unless a party requests and the judge approves a Zoom appearance. A party may request to appear by Zoom at an ICMC or IMMC, by efilling, mailing or hand delivering a letter to court administration and the opposing party, at least a week prior to the scheduled ICMC or IMMC.
8. All ENEs for Koochiching County cases will be held remotely unless all parties, attorneys and ENE providers agree to an in-person ENE. ENEs will be scheduled for remote sessions by the court, but the parties, and their attorneys if they have them, and providers may agree together on an in-person ENE session.
9. ENE contains a mediation component, and ENE will be accepted in Koochiching County cases in place of Mediation for any post-decree/post custody determination motion on any case that has a prior order requiring mediation for future disputes.

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Jerrod Shermoen  
Judge of District Court