

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF <>

<> JUDICIAL DISTRICT

FAMILY COURT DIVISION

<Name>,

Petitioner,

STIPULATION AND ORDER
FOR REMOTE EXPEDITED TEMPORARY RELIEF

and

Court File <>

<Name>,

Respondent.

The above-entitled proceeding came before the Honorable [], Referee/Judge of [] County District Court based on the parties' stipulation.

APPEARANCES:

Petitioner is represented by [].

Respondent is represented by [].

Based on the stipulation of the parties, and the files, records, and proceedings herein, the Court makes the following:

FINDINGS

1. The parties were married on []. The parties have the following minor children: [].
2. There is a/no Order for Protection in place [if yes, include court file and the party protected by the order].
3. The parties agree they have the need to promptly resolve the following temporary issues under Minnesota Statutes Section 518.131 [choose applicable issues to be presented for relief]:
 - a. Temporary custody and parenting time;
 - b. Temporary spousal maintenance;
 - c. Temporary child support;

- d. Temporary costs and reasonable attorney fees;
 - e. Temporary use and possession of the family home, furniture, household goods, automobiles and other property of the parties;
 - f. Temporary restraining orders authorized by statute;
 - g. Temporary exclusion of a party from the home of the parties or the home of the other party; and
 - h. Temporary requirement that a party or parties perform or not perform such additional acts as will facilitate the just and speedy disposition of the proceeding or will protect the parties or their children from physical or emotional harm.
4. The parties have chosen [], Esq. to preside over a Remote Expedited Temporary Relief (“RETR”) proceeding to resolve the above-enumerated issues.
 5. The hourly rate charged for the RETR for each party is one-half the hourly rate charged by his or her attorney.

NOW, THEREFORE, the Court makes the following:

ORDER

1. **RETR.** [], Esq. is appointed to preside over a Remote Expedited Temporary Relief proceeding under Rule 114(a)(10) of the Minnesota Rules of General Practice. The neutral’s role is to assist the parties in settling their temporary issues, and if settlement is not achieved swiftly, to arbitrate those issues in binding arbitration, not subject to appeal to the District Court or Court of Appeals.

- a. Each party shall pay the neutral one-half the hourly rate charged by his or her attorney. Counsel for each party shall provide the neutral with his or her hourly rate during the first telephone contact with the neutral.
- b. Each of the parties shall pay the neutral in advance (at the direction of the neutral) a flat fee equal to one-half of their attorney’s hourly rate for four hours.
- c. Counsel shall contact the neutral within two (2) business days of this order.
- d. The RETR proceeding shall not exceed a duration of one (1) hour and shall be held within thirty (30) days of this order.
 - i. A party seeking relief shall serve and file pleadings required by Rule 303.01, 303.02 and 303.03 of the Minnesota Rules of General Practice not less than seven (7) days prior to the RETR proceeding, subject to the following limitations:

1. Affidavits shall be limited to no longer than ten (10) pages double-

spaced in a 12-point font;

2. Any memoranda shall be in letter format, limited to no longer than three (3) pages, single-spaced in a 12-point font;
 3. All such pleadings shall be provided to the neutral when served and filed by e-mail, with each exhibit to any affidavit numbered and provided as a separate document in PDF format;
 4. Reasonable efforts shall be made to reduce the volume of exhibits to those pages to which a party specifically refers in an affidavit.
- ii. A party responding to a motion seeking relief shall serve and file any pleadings required by Rule 303.01, 303.02 and 303.03 of the Minnesota Rules of General Practice not less than two (2) business days prior to the RETR proceeding, subject to the same limitations.
 - iii. If a settlement is not reached and the neutral hears the arbitration, the attorney for each party shall e-mail the neutral a proposed order in MS-Word format no later than two (2) days after the proceeding, simultaneously emailing opposing counsel a PDF format version of the same proposed order.
 - iv. The neutral shall issue the arbitration order within seven (7) days of the RETR proceeding. The Order shall be filed with the Court by counsel for Petitioner.
 - v. The decision of the neutral is binding on the parties when issued and does not require any further approval or a countersignature by the Court. The arbitration order is non-appealable to the District Court or the Court of Appeals. Modification may be addressed in the event of a substantial change in circumstances either by returning to RETR, or if the Courts are back at capacity, by seeking modification in the District Court.
 - vi. Violation of the terms of the RETR order will subject a party to sanctions by the Court, which may include contempt, subject to the Court's availability under the current operational limitations. See Order ADM20-8001 of March 20, 2020 issued by Chief Justice Lorie S. Gildea.
 - vii. RETR is not available to modify previously issued Court orders of any type, including Orders For Protection, unless agreed by the parties and counsel.
- e. Evidence produced during the RETR proceeding is not confidential. However, all discussions and any proposals made in the mediation portion of the process are

confidential, the RETR neutral may not be subpoenaed and the neutral's notes are not admissible.

f. The RETR neutral shall have immunity pursuant to Minnesota Statutes Section 604A.32.

2. The clerk of Court shall send copies of this order to the neutral and counsel for the parties.

DATE: _____, 2020

BY THE COURT

<Judge>
Judge of District Court

IT IS FURTHER STIPULATED AND AGREED that this Order may be approved by the Court without notice to the parties.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Signed at: _____ County, MN,
on _____, 2020.

Name, Petitioner

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Signed at: _____ County, MN,
on _____, 2020.

Name, Respondent

APPROVED AS TO FORM

Dated: _____, 2020.

Dated: _____, 2020.

_____.

_____.

_____, I.D. No. _____
Attorneys for Petitioner

_____, I.D. No. _____
Attorneys for Respondent

_____, MN _____
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_____, MN _____
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