

County of: _____

Court File Number: _____

Judicial District: _____

Case Type: _____

In re the Matter of

Order for a Moderated Settlement Conference

Petitioner

AND

Respondent

The above-entitled matter came on for hearing before the Honorable _____, Judge of District Court, on _____. Appearances were as follows:

Petitioner _____, Attorney for Petitioner

Respondent _____, Attorney for Respondent

Pursuant to the attached Moderated Settlement Conference (MSC) program description, the Court, having obtained the consent of all parties, does hereby make the following:

ORDER

1. Moderator's Appointment.

_____, (name), _____, (address),

_____ (telephone number), _____ (email address) is hereby appointed as MSC Neutral to preside at a moderated settlement conference. This conference will occur at a continued pretrial hearing before this Court at the Anoka County Courthouse, 2100 Third Ave N., Anoka, Minnesota, MN on _____, 20__ at _____ .m. The parties and attorneys, if represented, should anticipate remaining at the Courthouse until the MSC is concluded.

2. Immunity. MSC Neutrals shall have immunity pursuant to Minn. Stat. §604A.32.

3. Information. Upon receipt of this order, and at least seven days prior to the date of the moderated settlement conference, **each party shall send to the Neutral such letters of explanation, the Parenting Financial Disclosure Statement, updated income information, exhibits, Child Support Calculator or FinPlan/Family Law Software Calculations as each believes may be of assistance in the settlement discussions.** Pursuant to Rule 114.10(b), said communications may be sent to the Neutral without copies to the other party. No copies shall be sent to the Court or filed with the Court Administrator, except that the Parenting/Financial Disclosure Form shall be served and filed as required by the General Rules of Practice for the

District Courts. Information not required to be filed with the Court but provided to the Neutral shall not be disclosed by the Neutral without the verbal consent of the providing party. The Neutral may dispose of all notes, records, documents and confidential or substantive correspondence sent to him or her at the conclusion of the MSC. The Neutral is authorized to review the court files relating to the assigned case. To the extent that custody or parenting time is at issue, the Neutral is authorized to review reports and evaluations as may have been submitted to the Court by Human Services, Guardians at Litem, or any custody evaluators.

4. **Confidentiality/Communication with Neutral.** Upon receipt of this Order, the Neutral shall promptly communicate with the parties or their attorneys, if represented to address matters at issue, information to be exchanged and the status of discovery. Pursuant to Minn. Gen. R. Prac. 114.08, no communications involving the Neutral are admissible at any hearing including the final trial in this matter and the Neutral shall not be called as a witness. By not opting out of this process, the parties and their attorneys consent that the Neutral may communicate with the Court during the moderated settlement conference, notwithstanding provisions of Minn. Gen. R. Prac. 114.10 to the contrary, provided that attorneys, if any, are present. The Neutral shall not disclose to the Court any communications made by the parties and their attorneys unless specifically authorized to do so by the parties and their attorneys, if any. Said authorization may be made orally by the parties and their attorneys. The Neutral is authorized, pursuant to Minn. Gen. R. Prac. 114.10(b), to have ex-parte communication with the parties and vice-versa.

Any recording of this process is strictly prohibited. The parties and all others attending this process shall not make any recording of any part of this alternative dispute resolution process and shall not provide any recording to the Court, guardian ad litem, custody evaluator, therapist, or anyone else involved with this case.

5. **Conflict of Interest.** Should the attorneys or the Neutral perceive a conflict of interest by this appointment, notice shall be promptly provided to the parties or attorneys, if represented. The parties, the attorneys if represented, or the Neutral shall request the Court for appointment of a different Neutral.
6. **Fees.**
- a. The parties' fees for MSC is as follows:
- Pursuant to Tenth Judicial District MSC fee policy, Petitioner shall pay _____ per hour for the MSC and Respondent shall pay _____ per hour for the MSC.
- b. Parties should be prepared to pay for no less than 3 hours of MSC time.
- c. Arrangements for form of payment shall be made with MSC Neutral. Personal checks will not be accepted. Fees for extending the session are due at the conclusion of the session.
- d. The MSC Neutral shall not charge for the travel time to and from the conference, but may charge for preparation time with prior agreement from the parties or their attorneys.
7. **Agreements.** No decisions reached in the moderated settlement conference become final and binding until they are put in writing and signed by the parties and their attorneys, if represented or until they are placed on the record before the Court.

8. **Cancellation.** Cancellation or failure to appear and pay as ordered will result in sanctions imposed by the Court upon the non-complying party pursuant to Minnesota General Rules of Practice 305. Sanctions may include those listed under Rule 16 of the Minnesota Rules of Civil Procedure and will, at a minimum, include compensation to the Neutral for their time and may result in a full or partial dismissal of the non-complying party's pleadings. The Court may also impose additional penalties such as an assessment of bad faith attorney fees to other party. The parties and their attorneys have an affirmative duty to notify the Neutral at the earliest possible time but in no event later than five business days prior to the session and the parties shall provide the Neutral with a copy of the signed agreement no later than five days prior to the scheduled session. Failure to keep the Neutral so advised may result in the imposition of payment of the Neutral's fees incurred in connection with the case to and through the date of the scheduled conference.

9. **Other Orders.** All other orders not modified herein shall remain in full force and effect.

IT IS SO ORDERED.

BY THE COURT:

Judge of District Court

Dated

Admission of Service

- Petitioner (I admit service _____)
- Copy for Petitioner's attorney
- Respondent (I admit service _____)
- Copy for Respondent's attorney
- Copy for County Attorney's file
- Copy for the Office of the Anoka County Guardian ad Litem
- Other: _____
- Other: _____

Names and Contact Information

Petitioner Name: _____

Respondent Name: _____

Address: _____

Address: _____

City/State/Zip: _____

City/State/Zip: _____

Telephone: _____

Telephone: _____

Email: _____

Email _____

Attorney Name: _____

Attorney Name: _____

Address: _____

Address: _____

City/State/Zip: _____

City/State/Zip: _____

Telephone: _____

Telephone: _____

Email: _____

Email: _____