

STATE OF MINNESOTA
COUNTY OF WASHINGTON

FILED

File # 82-CV-152
WASHINGTON COUNTY
DISTRICT COURT
FEB 02 2015
COURT ADMINISTRATOR
By Kc Deputy

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DISTRICT COURT
FIFTH JUDICIAL DISTRICT
FAMILY COURT DIVISION

**Modified Standing Order Re Early Neutral Evaluation Cases
in Washington County, Minnesota**

In order to insure uniformity, fairness, and justice in the handling of all cases that participate in the Early Neutral Evaluation ("ENE") process, this standing Order shall apply to all cases that participate in ENE in Washington County, Minnesota.

NOW THEREFORE, based on all of the files, records, and proceedings herein, the Court, being fully advised herein, does hereby make the following:

ORDER

1. At the Initial Case Management Conference ("ICMC") the Court shall issue an Order in each case specifying if the parties will be participating in Social ENE, Financial ENE, or both. The Order will specify the issues to be resolved in the ENE process and the names and phone numbers of the evaluator(s) who are assigned to the case.
2. ENE is a voluntary process. No party is compelled to participate in ENE. However, once the parties have agreed to participate in ENE, they must do so in good faith. Failure to cooperate in good faith will result in a return to court and the possible imposition of appropriate legal sanctions.
3. From the date of the ICMC until completion of ENE (either by way of settlement or impasse) further court proceedings in the case shall be stayed. The parties may still conduct discovery as specifically authorized in this Order.
4. Payment for the ENE sessions shall be according to a sliding fee schedule which is on file with the Court. Payment shall be made, by each party, prior to the commencement of the initial evaluation session. If additional sessions are required, fees shall be paid at the commencement of those sessions based upon the evaluator's good faith estimate of the anticipated length of the session. The parties shall be responsible for the prompt payment of any additional expenses that exceed the estimate. Evaluators shall promptly refund any overpayments.
5. Not later than seven (7) days following the ICMC, the parties shall, by letter, request relevant information and/or documents that they need to resolve the case. The requested information and/or documents shall be provided to the requesting party no later than seven (7) days following the request.

6. The parties shall provide the Evaluator(s) with a copy of all pleadings and their ICMC data sheet (along with all attachments). The parties shall also provide releases in the form requested by the Evaluator(s). The Evaluator(s) shall have the authority to request additional information and the parties shall cooperate with any such request.
7. The Evaluator(s) shall confer with the parties and counsel and complete the ENE process no later than sixty (60) days from the date of the ICMC.
8. Any agreements made in the ENE process shall be reduced to a written Memorandum of Understanding before the ENE concludes. The parties and their attorneys shall sign the Memorandum to indicate their understanding of and agreement with the Memorandum of Understanding.
9. The Evaluator(s) shall contact the Court by letter within five (5) days of the ENE session to advise the Court as to whether full or partial agreements were reached, or to request an extension of time to complete the ENE process. If a full or partial agreement was reached, the written Memorandum of Understanding shall be submitted along with the Evaluator(s) letter.
10. If the case does not reach full settlement the Evaluator(s) shall recommend to the Court whether the matter should be referred to some other ADR process or whether the Court should issue a Scheduling Order.
11. Should ENE fail to reach a full settlement, and prior to the filing of any motions, the parties are required to attempt to resolve remaining disputes through a qualified mediator under Rule 114.13. The parties shall share equally in the costs of a mediator.
12. Any evidence produced during an ENE session that is not otherwise discoverable shall remain confidential.
13. Any statements made or opinions offered by an Evaluator or other neutral expert who participates in ENE shall remain confidential and are not admissible in court. ENE evaluators may be called to testify only as to whether or not an agreement was entered into in ENE and to what the terms of the agreement are. Evaluators shall be reimbursed at their regular hourly rate for said testimony. Responsibility for said payment shall initially rest with party so calling the Evaluator. The Court may order the other party to be responsible for payment in the interests of justice.
14. Any of the terms in this Order can be modified, as is necessary, by written Order of any judge in any case pending before that judge.

15. A copy of this Standing Order shall be available upon request made to the Washington County Court Administrator, on the Court's web-site (as a .pdf file), and at the Washington County Law Library.

IT IS SO ORDERED.

Dated this 2 day of February, 2015.



B. William Ekstrum
Judge of District Court



Mary E. Hannon
Judge of District Court



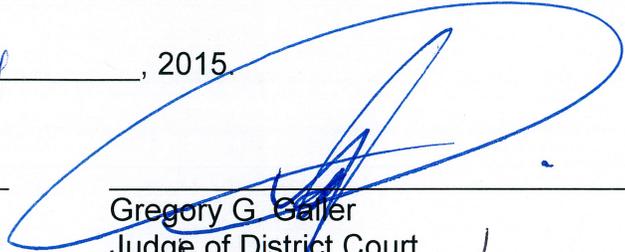
Richard C. Ilkka
Judge of District Court



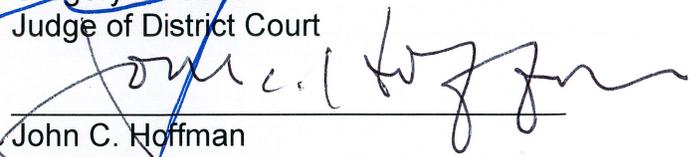
Ellen L. Maas
Judge of District Court



Susan R. Miles
Judge of District Court



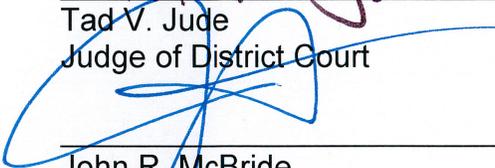
Gregory G. Gailer
Judge of District Court



John C. Hoffman
Judge of District Court



Tad V. Jude
Judge of District Court



John R. McBride
Judge of District Court



Gary R. Schurrer
Judge of District Court

Replaces February 1, 2010 Order