

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI

NOTICE OF INCLUSION IN THE EARLY ASSESSMENT PROGRAM

This case is included in the Early Assessment Program (EAP) and has been assigned to Magistrate Matt J. Whitworth for mediation. Mediation is held in Jefferson City. Approximately 60 days after an answer is filed, plaintiff is directed to contact Jackie of the clerk's office for possible mediation dates. Please do not contact chambers directly to schedule mediation.

Please read the attached General Order describing the Early Assessment Program in more detail.

As a party to a lawsuit in this Court, you are entitled to pursue all claims or defenses to claims that you have asserted until a disposition of the claims or defenses is made by the Court or a jury. However, most of the lawsuits filed in this and other courts are resolved by voluntary settlement by the parties before trial. With a settlement, the expense and inconvenience of litigation can be reduced and the uncertainty of the outcome can be eliminated. In many cases that are settled, the settlement does not take place as early or economically as possible. The purpose of the Early Assessment Program is to assist parties in arriving at a voluntary, early resolution of their dispute. Good faith participation in the Early Assessment Program is required, but you are not required to settle the case.

It is important that you carefully review and objectively evaluate your case prior to the first meeting. You should come prepared to discuss and negotiate the settlement of your case. **PLEASE NOTE THAT PARTIES ARE REQUIRED TO ATTEND (IN PERSON) ALL MEETINGS UNLESS EXCUSED BY THE PERSON CONDUCTING THE MEETING.**

Mediation will involve at least one session. Failure to participate in mediation or the refusal to cooperate fully, may result in the imposition of sanctions by the judge. The judge or the person conducting the meeting and the parties may use any settlement device which they believe to be the best way to resolve the case.

Your obligations in this court are not affected by your inclusion in this program. Inclusion in this program does not relieve you of any of the obligations or deadlines that you have in this lawsuit. If you have been served, you must file a timely response in order to avoid the risk of a default judgment.

The actions of the person conducting the meeting(s) have no binding effect on discovery, motion practice or other aspects of preparation for trial. Only the assigned judge can control these matters. However, all communications made in connection with the Early Assessment Program are confidential and cannot be used at trial, except as provided in the General Order and Federal Rule of Evidence 408.

The purpose of this program is to help parties save time and money. It will succeed if lawyers and parties make a good faith effort to comply with the spirit of the program. If you have questions, please contact Jackie Price by email at jackie.price@mow.uscourts.gov