

1 **1-106. Enforcement of mediated settlement agreement.**

2           A.     **Scope.** This rule applies to any case in which the parties have entered into  
3 a mediated settlement agreement that, by its terms, requires performance over a period of  
4 time, and in which the parties have agreed to comply with the terms of the agreement  
5 without first asking the court to enter a stipulated judgment.

6           B.     **Stipulation of dismissal.**

7                   (1)     If the parties have entered into a mediated settlement agreement and  
8 agree that the court should not enter a stipulated judgment, the parties shall file a stipulation  
9 of dismissal;

10                   (2)     The mediated settlement agreement shall be reduced to writing and  
11 signed by the parties;

12                   (3)     The mediated settlement agreement shall be filed unless the parties  
13 agree in writing to waive the filing of the mediated settlement agreement in the pending  
14 case. If the parties waive filing, then each party shall be responsible for retaining a copy of  
15 the mediated settlement agreement, and in any action related to the mediated settlement  
16 agreement, the responsibility to produce a copy of the mediated settlement agreement  
17 belongs to the parties and not to the court;

18                   (4)     If the parties have entered into a mediated settlement agreement and have  
19 filed a stipulation of dismissal, the court shall close the case, provided that the court shall  
20 retain jurisdiction to later reopen the case to enter any orders and judgments as may be

1 appropriate to enforce the mediated settlement agreement and to grant any other relief as  
2 the court deems just and proper.

3 **C. Motion for judgment and statement of noncompliance.**

4 (1) In the event of noncompliance with the terms of a mediated  
5 settlement agreement, the party alleging noncompliance may, within five (5) years of the  
6 filing of the stipulation of dismissal, move the court to reopen the case and to enter a  
7 judgment enforcing the terms of the agreement. A party seeking a judgment under this rule  
8 shall file with the court and serve on the opposing party a motion for judgment and  
9 statement of noncompliance, together with a copy of the mediated settlement agreement;

10 (2) If a party to a mediated settlement agreement files a motion for  
11 judgment and statement of noncompliance within five (5) years of the filing of the  
12 stipulation of dismissal, the court clerk shall reopen the case, and no additional filing fee  
13 shall be required;

14 (3) The party alleged to have breached the terms of a mediated  
15 settlement agreement may, within fifteen (15) days after service of the motion for judgment  
16 and statement of noncompliance, file with the court and serve on the opposing party a  
17 written response, and may request a hearing;

18 (4) If the party alleged to have breached the terms of a mediated  
19 settlement agreement timely files a response and requests a hearing under Subparagraph  
20 (C)(3) of this rule, the court shall hold a hearing and shall proceed under the Rules of Civil

**DISTRICT COURT CIVIL  
RULE 1-106  
[NEW MATERIAL]**

**Supreme Court Approved  
August 31, 2020**

1 Procedure for the District Courts.

2           D.     **Entry of judgment.** If a case has been reopened under Paragraph C of this  
3 rule, the court may enter a judgment for any remaining money due, and the court and may  
4 order other relief that the court deems just and proper.

5           E.     **Retention of case files.** The court shall retain a case file for any case in  
6 which the parties have reached a mediated settlement agreement for five (5) years after the  
7 filing of the stipulation of dismissal.

8 [Adopted by Supreme Court Order No. 20-8300-003, effective August 31, 2020.]