

COMPLIANCE WITH THE MAP GENERAL ORDER

November 2025

The Court's authorization of alternative dispute resolution (ADR) is through the General Order for the Mediation and Assessment Program (known as MAP or Program), with administration by the MAP Director (Section VII.). Any Western District Judge may issue additional orders, including sanctions, when participants fail to communicate timely and professionally as required by the Program, and/or otherwise fail to comply with the provisions of the General Order. To assist participants with compliance, excerpts from some orders are included below.

The MAP General Order provides that "[t]he Judge assigned to the case . . . may sanction any party and/or counsel for: 1) refusing to cooperate or timely cooperate in the Program; 2) failing to timely comply with requests consistent with the Program; 3) failing to participate in the Program consistent with the provisions and spirit of the General Order; and/or 4) failing to abide by any rule or guidelines applicable to any participant in the Program." (Section VI).

"Part of the purpose of the sanctioning power—the power at issue here—is to control litigation and to preserve the integrity of the judicial process." *Nick v. Morgan's Foods, Inc.*, 270 F.3d 590, 594 (8th Cir. 2001). A district court is authorized to invoke its sanctioning power under Rule 16(f) and the local rules for noncompliance with a court-ordered alternative dispute resolution. *Id.* at 595."

Rule 16(f)(2) provides that "[i]nstead of or in addition to any other sanction, the court must order the party, its attorney, or both to pay the reasonable expenses--including attorney's fees--incurred because of any noncompliance with this rule, unless the noncompliance was substantially justified or other circumstances make an award of expenses unjust." Fed. R. Civ. P. 16(f)(2). Proper civil contempt sanctions are "those penalties designed to compel future compliance with a court order," and "are considered to be coercive and avoidable through obedience, and thus may be imposed in an ordinary civil proceeding upon notice...."

"The Mediation and Assessment Program ("MAP") General Order entered in this case requires parties to participate...in a respectful, professional, and timely manner."

"[T]he Court issued an order directing [] to show cause why they should not be sanctioned for refusing to timely cooperate in MAP and failing to participate in MAP consistent with the provisions and spirit of the General Order."

"It is unfortunate that when confronted with their willful violation of the Court's MAP Order, Defendants refused to acknowledge the failings of their own behavior. Instead, Defendants attempted to shift blame to Plaintiffs and advanced a baseless argument that they may ignore a Court order based on an anticipated jurisdictional challenge. Defendants' lack of good faith participation in MAP has wasted the time and energy of the Court, MAP Director Laurel Stevenson, and Plaintiffs' counsel."