

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MISSOURI**

**FACT SHEET #9
POST ALTERNATIVE DISPUTE RESOLUTIONS (ADR):
RIGHT TO TRIAL, SETTLED CLAIMS AND SCHEDULING AGREEMENTS**

DO THE PARTIES RETAIN THEIR RIGHT TO TRIAL? Unless otherwise agreed in writing, all ADR proceedings are non-binding, so that if the parties fail to resolve the dispute, they retain their full rights to trial. Unless otherwise ordered, referral to ADR does not abate or suspend the action, and no scheduled dates shall be delayed or deferred, including the date of trial.

WHAT HAPPENS IF THE PARTIES SETTLE A CLAIM DURING ADR? If the parties settle any claim during the ADR referral they file a Report of Settlement which may include a written settlement agreement, a stipulation for dismissal, a motion for leave to voluntarily dismiss, or a proposed consent judgment. The proposed consent judgment must be signed by all parties and counsel, and must be filed with the Court no later than fourteen (14) days after the last ADR conference.

WHAT HAPPENS IF THE PARTIES AGREE ON SCHEDULES AND CASE MANAGEMENT MATTERS? If an ADR referral results in decisions or agreements regarding scheduling or other case management matters, the parties file a Proposed Litigation Plan which includes a proposed litigation plan or motion to amend an existing Case Management Order. The Order must be filed with the Court no later than fourteen (14) days after the last ADR conference.