

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA

In re: BKY Case No: 17-30112
Chapter 11
Vanity Shop of Grand Forks, Inc., dba Vanity,
Debtor(s).
ORDER FOR APPEARANCE
AT MEDIATION

1. Mediation regarding Confirmation of the Second Amended Plan (Doc. 646), will be held on June 19, 2018, at 8:30 a.m., in Courtroom No. 3, Quentin N. Burdick United States Courthouse, 655 First Avenue North, Fargo, ND, before the Honorable Michael E. Ridgway. All parties will start the mediation in Courtroom No. 3. The parties shall appear and negotiate in good faith. All participants should plan on spending the entire day at this mediation.

2. Counsel and each party, armed with full settlement authority, shall be present in person for the entirety of the mediation, unless prior arrangements are made in advance of the mediation. If individuals are parties to this case, they must be present in person. If a corporation or other collective entity is a party, a duly authorized officer or managing agent of that party shall be present in person.

3. Each attorney shall submit to the undersigned on or before June 12, 2018, a confidential mediation statement, of not more than two pages, setting forth (1) a brief history of the parties' prior attempts to settle the case and their respective settlement positions; (2) a computation of the amount in dispute; (3) a reasoned analysis justifying their client's last stated settlement position, including their assessment of their best and worst alternatives to a negotiated agreement, (4) a description of any perceived hindrances or obstacles to productive settlement negotiations as well as any other information that may be helpful to the Court, and (5) the name and position of each person who will attend the mediation. The mediation statements are for the Court's use only and need not be served on opposing counsel and

should not be filed or docketed. Counsel shall e-mail their co



chambers at ***Michael_Stepan@mn.uscourts.gov***.

4. The mediation will be conducted in a confidential manner. I will not disclose any information learned by me at the mediation to the judge assigned to preside over this matter on its merits. I will maintain the full confidentiality of all information obtained in private, unless authorized by any party to make disclosure of the information to the other party.

5. The parties are advised that, after receipt of the mediation statements, the Court may, in its discretion, contact counsel for the parties jointly or *ex parte* solely for the purpose of assisting the Court's preparation for the mediation.

6. Mediation is a compromise negotiation for the purposes of the federal and state rules of evidence. It constitutes a privileged communication under state law. The entire mediation process is confidential. No stenographic, visual, or audio record will be made, except for the record of appearances made at the beginning of the mediation, and of any settlement that is placed on the record. All conduct, statements, promises, offers, views, and opinions, whether oral or written, made in the course of mediation by any party, their agents, employees, representatives, or other invitees, or by the mediator are confidential. All such shall be deemed to be privileged. Such content shall not be the subject of future discovery, and will not be admissible for any purpose, including impeachment, in any litigation or other proceeding involving the parties. They shall not be disclosed to anyone not an agent, employee, expert, witness, or representative of any of the parties. The only exception shall be that evidence otherwise discoverable or admissible is not excluded from future discovery or admission as a result of its use in the mediation. The undersigned shall not be called as a witness by any party in any matter related to this proceeding.

7. Parties may seek a transcript of any agreement that is placed on the record. The transcript will not be placed on the docket.

8. Failure of any party or counsel to comply with any part of this Order may result in the postponement of the mediation and/or imposition of an appropriate sanction on the party,

company, individual, or attorney who failed to comply.

Dated: *May 31, 2018*

/e/ Michael E. Ridgway

MICHAEL E. RIDGWAY
United States Bankruptcy Judge