

Both Parties Must Complete A Questionnaire Which Will Be Referred To And Relied Upon During Mediation Like A Roadmap To Assure That All Important Issues Are Addressed. All Sections Should Be Completed Or Marked Not Applicable (N/A) Or Unknown (UKN). There Are No Right Or Wrong Answers And The Information Sought Is Strictly Designed To Assist Both Sides In Reaching An Acceptable Agreement. This Questionnaire Is A Starting Point And How The Mediation Session(s) Proceed Will Directly Depend Upon Each Party's Active Participation And Positive Attitude Toward Reaching An Agreement.

Name Of Person Filling Out This Questionnaire: _____

Name Of First Mediating Party: _____

Address: _____

City, State, Zip: _____

Phone(s) Day/Night: _____ Email: _____

Name Of Second Mediating Party: _____

Address: _____

City, State, Zip: _____

Phone(s) Day/Night: _____ Email: _____

Your Perception Of The Issues

What is the main issue of your dispute? _____

Is there a second issue? _____

Is there a third issue? _____

Are there any additional issues? _____

Information Contained In This Questionnaire Remains Confidential Except As Shared Between The Parties During Mediation Or As Needed To Satisfy Any Court Filing Requirements.

Your version or perception of the facts associated with each issue:

What are the facts associated with your first issue? _____

What are the facts associated with your second issue? _____

What are the facts associated with your third issue? _____

From your standpoint, what are the facts associated with each of any remaining issues? _____

Information Contained In This Questionnaire Remains Confidential Except As Shared Between The Parties During Mediation Or As Needed To Satisfy Any Court Filing Requirements.

Simply Positive Mediation General Mediation Questionnaire -- Page 3

Physical Evidence To Support Your Facts: (i.e. documents, receipts, text messages, and just about anything else that gives support to your version of the issues other than live witnesses) NOTE: Your evidence might not be “admissible” in a court, but it could still be discussed during mediation.

What physical evidence do you have to support the facts associated with your first issue? _____

What physical evidence do you have to support the facts associated with your second issue? _____

What physical evidence do you have to support the facts associated with your third issue? _____

What physical evidence do you have to support the facts associated with each of any remaining issues? _____

Information Contained In This Questionnaire Remains Confidential Except As Shared Between The Parties During Mediation Or As Needed To Satisfy Any Court Filing Requirements.

Simply Positive Mediation General Mediation Questionnaire -- Page 4

Witnesses You Expect To Be Available To Testify In Court, either voluntarily or by subpoena, and what you expect them to say to prove your facts. NOTE: Witnesses will not participate in the mediation, but a written statement from a witness could be used by either side to support their position even though that written statement may not be admissible in court .

Who are the witnesses who can support the facts associated with your first issue?_____

Who are the witnesses who can support the facts associated with your second issue?_____

Who are the witnesses who can support the facts associated with your third issue?_____

Who are the witnesses who can support the facts associated with any remaining issues?_____

Information Contained In This Questionnaire Remains Confidential Except As Shared Between The Parties During Mediation Or As Needed To Satisfy Any Court Filing Requirements.

Simply Positive Mediation General Mediation Questionnaire -- Page 5

What Are Your Damages Associated With Each Issue; What Was Done And By Whom To Cause Those Damages; And Could You Have Done Anything To Mitigate, Avoid Or Reduce Your Damages?

What are your damages associated with your first issue? _____

What are your damages associated with your second issue? _____

What are your damages associated with your third issue? _____

What are your damages associated with each of your remaining issues? _____

Information Contained In This Questionnaire Remains Confidential Except As Shared Between The Parties During Mediation Or As Needed To Satisfy Any Court Filing Requirements.

Simply Positive Mediation General Mediation Questionnaire -- Page 6

What Do You Expect The Other Party To Say As Their Defense Against Each Issue You Have Claimed; What Evidence Do You Expect Them To Produce And Rely Upon; And Who Are The Witnesses You Expect The Other Party To Have Testify On Their Behalf?

In defense of your first issue? _____

In defense of your second issue? _____

In defense of your third issue? _____

In defense of each of your remaining issues? _____

Information Contained In This Questionnaire Remains Confidential Except As Shared Between The Parties During Mediation Or As Needed To Satisfy Any Court Filing Requirements.

Simply Positive Mediation General Mediation Questionnaire -- Page 7

Past Offers of Settlement

Please state any offers you have made to the other party in an effort to resolve each issue you have listed.

To resolve your first issue? _____

To resolve your second issue? _____

To resolve your third issue? _____

To resolve any of the remaining issues? _____

Please state any offers the other party has made to you in an effort to resolve each issue you have listed.

To resolve your first issue? _____

To resolve your second issue? _____

To resolve your third and any other remaining issues? _____

Information Contained In This Questionnaire Remains Confidential Except As Shared Between The Parties During Mediation Or As Needed To Satisfy Any Court Filing Requirements.

Potential Offers To Settle This Dispute

What is an offer of settlement that you would consider making for each of the issues you have listed?

For your first issue? _____

For your second issue? _____

For your third and any other remaining issues? _____

What is an offer of settlement that you think the other party might consider making for each of the issues you have listed?

For your first issue? _____

For your second issue? _____

For your third and any other remaining issues? _____

Information Contained In This Questionnaire Remains Confidential Except As Shared Between The Parties During Mediation Or As Needed To Satisfy Any Court Filing Requirements.

Simply Positive Mediation General Mediation Questionnaire -- Page 9

For each issue you have listed, please state whether you believe you are close to an agreement or settlement with the other party and, if not, why not?

For your first issue? _____

For your second issue? _____

For your third and any other remaining issues? _____

For each issue you have listed, please describe the criteria you would use to decide whether a settlement offer is reasonable.

For your first issue? _____

For your second issue? _____

For your third and any other remaining issues? _____

Information Contained In This Questionnaire Remains Confidential Except As Shared Between The Parties During Mediation Or As Needed To Satisfy Any Court Filing Requirements.

If You Have To Litigate

How do you think a judge, jury, or other decision maker would decide each issue you have listed and why do you think they would decide that way.

On your first issue? _____

On your second issue? _____

On your third and any other remaining issues? _____

Costs Estimates

Please estimate the costs of pursuing or defending your case to you in:

Time from start to finish, without an appeal to a higher court: _____

Time missed from your employment, business, and personal life: _____

Income lost from your employment or business: _____

Information Contained In This Questionnaire Remains Confidential Except As Shared Between The Parties During Mediation Or As Needed To Satisfy Any Court Filing Requirements.

Costs Estimates (continued)

Please estimate your potential attorney's fees, costs of depositions, witness fees, and court costs: _____

How much time do you already have invested in attempting to resolve this disagreement? _____

How much money do you already have invested in attempting to resolve this disagreement? _____

What do you estimate to be the best possible result if you are successful in litigating all of your issues? _____

Would you be successful on all of your issues? _____

What do you estimate to be the worst possible result if you are not successful on any of your issues? _____

Do you believe that the other party has been unfair to you in some other way which you have not already addressed in any of your previous answers? (You may also restate how you believe the other party has treated you unfairly.) _____

Information Contained In This Questionnaire Remains Confidential Except As Shared Between The Parties During Mediation Or As Needed To Satisfy Any Court Filing Requirements.

Simply Positive Mediation General Mediation Questionnaire -- Page 12

Are you seeking a monetary settlement, an apology, a combination of both, or some other resolution? _____

Is it more important to you to get even or to put this dispute behind you? _____

What specific difficulties have you had in attempting to reach an agreement with the other party on your own?

Do you have any suggestions as to how the mediation might proceed and how I might help you and the other party work toward an agreement? _____

In addition to completing this questionnaire, you may also want to write a short summary of your dispute and what you hope to accomplish as you work toward an agreement.

Information Contained In This Questionnaire Remains Confidential Except As Shared Between The Parties During Mediation Or As Needed To Satisfy Any Court Filing Requirements.