

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN MATEO

,

Case No.

Plaintiff,

vs.

**MANDATORY SETTLEMENT  
CONFERENCE ORDER**

,

Defendants,

## INTRODUCTION

Parties are ordered to comply with the following orders of the Court:

1. **Discovery:** Counsel shall ensure that any discovery necessary to evaluate the case for settlement purposes is completed by the date of the Mandatory Settlement Conference (“MSC.”)

2. **Parties Must Exchange Formal Settlement Demands and Offers:** In the MSC Statement, the plaintiff must include a good faith settlement demand, and a defendant must include a good faith settlement offer.

3. **Who Must Attend:** Trial counsel must appear at the conference with the parties. Attendance of a party is mandatory and will only be excused upon a written request that demonstrates good cause. Any party who is not a natural person, such as a business or a government entity, must be represented by an officer, claims representative or adjuster, or other person with full authority to negotiate and reach a full settlement. **A person who needs to call another person who is not present before agreeing to any settlement does not have full authority. If any consent to settle is required for any reason, the party with that authority to consent must be personally present at the conference.** (Cal Rules of Court 3.1380(b).)

4. **MSC Statements:** All parties must prepare and exchange an MSC Statement with the other parties. The MSC Statement must be in PDF format via email to dept19@sanmateocourt.org and must be received no later than five (5) calendar days before the MSC.

a. The MSC Statement shall not exceed 10 pages of text and 10 pages of exhibits. The Settlement Conference Statement shall include the following:

- i. **Case Statement.** A brief statement of the facts of the case. This is your case in a nutshell and should not be more than 1-2 paragraphs.
- ii. **Damages.** Include an itemization of economic and noneconomic damages by each plaintiff. Defendant must identify the damages disputed and damages not disputed.

1 A brief statement of the issues of law concerning liability and damages. The  
2 statement must be supported by legal authority, but extended legal argument is not  
3 necessary.

4 iii. Key Issues. Factual and/or legal key issues of the case, such as causation dispute,  
5 underlying insurance coverage issues, etc. Please provide a list of key facts in  
6 dispute and the specific evidence relevant to a determination of those facts. Include  
7 any discrete issue that, if resolved, would facilitate the resolution of the case.

8 iv. Status of the Case. A summary of the proceedings to date, including a list of the  
9 motions previously made, their dispositions, and any pending and anticipated  
10 motions. Provide a short summary of the discovery to date and future discovery to  
11 be done.

12  
13 b. Settlement Status and Demand/Offer. Describe the history and status of any settlement  
14 negotiations. Describe the main obstacles (factual, legal, or other) to reaching  
15 agreement, and what might be done to solve them. Plaintiff(s) must provide a demand  
16 and Defendant(s) must respond to the demand per Section 2 above.

17 c. Exhibits. **Exhibits must be bookmarked** within the PDF file. Please attach only the  
18 key pages of the critical documents and deposition transcripts and please highlight the  
19 information on which you want the court to focus.

20  
21 5. **Notification of Settlement:** If the case settles before the MSC, the parties shall  
22 immediately notify Department 19 at (650) 261.5119 and dept19@sanmateocourt.org.

23  
24 Dated: \_\_\_\_\_

25 \_\_\_\_\_  
26 Hon. Amarra A. Lee  
27 Judge of the Superior Court  
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