

COURT OF APPEAL, SECOND DISTRICT, <u>MEDIATION</u>	Court of Appeal Case Number:
Attorney (Name, State Bar Number, address, telephone no. and email address):  Attorney For:	FOR COURT USE ONLY
<b>MEDIATION FORM</b>	
<b>NOTE TO ALL COUNSEL:</b> This form is sent to each counsel. Do not serve opposing counsel with the answered form. Submit form back to <a href="mailto:2d1.mediation@jud.ca.gov">2d1.mediation@jud.ca.gov</a> within 10 days. Mediation will be scheduled once all forms are received.	

**A. Trial Court Proceedings:**

1. Subject Matter of Case

- |                   |                   |                       |                           |                           |
|-------------------|-------------------|-----------------------|---------------------------|---------------------------|
| Antitrust         | Defamation        | Environmental         | Legal Malpractice         | Product Liability         |
| Anti-SLAPP        | Disability        | Family                | Medical Malpractice       | Real Estate (Commercial)  |
| Bankruptcy        | Discrimination    | Health Care           | Partnership               | Real Estate (Residential) |
| Business/Commerce | Education         | Housing/HOA           | Personal Injury           | Securities                |
| Civil Rights      | Elder Abuse       | Insurance             | Premises Liability        | Tax                       |
| Construction      | Eminent Domain    | Intellectual Property | Probate (Conservatorship) |                           |
| Contracts         | Employment/ Labor | International         | Probate (Dec. estates)    |                           |
| Corporation       | Entertainment     | Landlord-Tenant       | Probate (Trust)           |                           |

2. Summarize the events that led to the lawsuit.

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3. Plaintiff \_\_\_\_\_ (name) filed suit against defendant \_\_\_\_\_ (name)  
for \_\_\_\_\_ (cause of action)  
\_\_\_\_\_ (continued from above)

A cross-complaint was filed by \_\_\_\_\_ (name) against \_\_\_\_\_ (name)  
for \_\_\_\_\_ (cause of action)  
\_\_\_\_\_ (continued from above)

4. Plaintiff was seeking \$ \_\_\_\_\_ for damages.

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Cross complainant was seeking \$ \_\_\_\_\_ for damages.  
 This case is a question of equity and does not involve a monetary amount. The plaintiffs were seeking:

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5. Type of trial:  Jury  Judge  No trial was held on the merits of the case

Trial court entered one of the following appealable orders:

- Judgment  Order for JNOV  
 Order sustaining Plaintiff's Demurrer  Order sustaining Defendant's Demurrer  
 Order granting Ptf's Motion for Summary Judgment  Order granting Def's Mot for Summary Judgment  
 Other: \_\_\_\_\_

6. The trial court awarded \$ \_\_\_\_\_ to the \_\_\_\_\_

This case is a question of equity, the trial court ordered/prohibited the following:

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7. The trial court awarded \$ \_\_\_\_\_ for attorneys fees.

8. There  are  are no related matters pending in the trial court.

(List all related Superior Court case number)

9. The cross appeal  has  has not been disposed of.

**B. Appellate Court Proceedings:**

1. The question on appeal primarily disputes:

- the amount awarded to opposing party  
 the amount awarded for attorneys fees  
 the facts the trial court relied on in the judgment  
 the interpretation of law applied by the trial court

(cite the statute or law that you believe the trial court misinterpreted)

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2. Appellant to select one of the following

- I recognize that there is no new question of law on the issues involved in this case but I believe I will prevail  
 I believe there is a new question of law and the court will reverse the judgment

(state the specific issue that you anticipate will set new precedence)

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Respondent to select one of the following

- I believe the court will affirm the judgment because there is no question of law in this matter  
 I believe there is a new question of law but that the court will rule in my favor

(state the specific issue that you anticipate will set new precedence)

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**C. Mediation Proceedings:**

1. MEDIATION SESSION DATES (Propose dates before the scheduled date of filing of the record. )

\_\_\_\_\_

\_\_\_\_\_

2. PRE-MEDIATION TELEPHONE CONFERENCE DATES (List dates that precede Mediation Session dates by at least one week.)

AM  PM                       AM  PM                       AM  PM

\_\_\_\_\_

3. DIAL-IN NUMBER AND PASSCODE FOR Pre-Mediation Telephone Conference

Dial in number: \_\_\_\_\_ Passcode: \_\_\_\_\_

4. How many times have the parties tried to settle the matter? \_\_\_\_\_

When were settlement talks held? \_\_\_\_\_

What were the results of each settlement attempt? \_\_\_\_\_

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5. In mediation, one party must offer and one party must accept, which party are you?

- The party making the offer                       The party accepting the offer

6. List the amount that you believe captures the true monetary value of the case \$ \_\_\_\_\_

If the case is a matter of equity, please list the terms you believe will result in a final resolution of the case.

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7. The parties are  friendly  hostile

8. List names and roles of those who will be present during mediation

Plaintiff	Attorney for Plaintiff
_____	_____
Defendant	Attorney for Defendant
_____	_____
_____	Attorney for _____
_____	_____
_____	Attorney for _____
_____	_____

9. Use this space for additional comments.

I declare that the foregoing is true and correct. Sign or initial: \_\_\_\_\_

DATE: \_\_\_\_\_