

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT,  
DIVISION THREE**

CASE NAME:

COURT OF APPEAL CASE NUMBER:

SUPERIOR COURT CASE NUMBER:

**SCIF**  
**Confidential**

**SETTLEMENT CONFERENCE INFORMATION FORM**

**PURPOSE:** The court has established a Judicial Settlement Program to assist parties who attempt in good faith to resolve appellate disputes. Your responses to this SCIF are intended for the CONFIDENTIAL use of the Judicial Settlement Program only, and are not part of the appellate file on your appeal. For more information, contact the Settlement Conference Clerk, tel: (714) 564-3600, e-mail: 4d3settlement@jud.ca.gov, or see the court's website at <http://www.courtinfo.ca.gov/courts/courts/appeal/4thDistrictDiv3/>  
An electronic version of this form is available at the "Local Forms" tab of the website.

**INSTRUCTIONS:** Answer the following questions on any blank white or unbleached recycled 8½ x 11 inch paper, using the appellate caption and appellate case number. Use any conventional typeface. Include the Heading Number and Heading Title with your responses — you need not retype the questions. Sign and date your responses.

**FILING:** File an original and one copy with the Court. Service upon opposing counsel is optional for Questions #1-#26; do not serve Questions #27-#28 upon opposing counsel.

**NEXT STEPS:** You will receive written notice **only** if a case is assigned for a settlement conference. You will **not** receive written notice if the court declines to hold a settlement conference, or defers such a determination until later in the appellate process, although there may be a docket entry to that effect. Case information is available online at <http://appellatecases.courtinfo.ca.gov/>.

**EXPEDITED REVIEW (optional):** You may stipulate with opposing counsel to request expedited settlement review, where the court decides whether to hold a settlement conference within 10 to 20 days after receiving the completed SCIFs. The parties also may jointly suggest mutually convenient dates for a settlement conference within the next two calendar months. The executed stipulation should be attached to the appellant's SCIF.

**SUBMITTED BY:** Please type **Attorney Name**, address, phone, fax number, e-mail address, **Client's Name** and client's position on appeal (*i.e., appellant, respondent, cross-appellant, etc.*)

# SCIF – Part One

## **NOTICE RE SETTLEMENTS:**

If you are an appellant or cross-appellant who has settled a civil appeal, you must immediately file a Notice of Settlement with the clerk's office. You may download a copy of the "Notice of Settlement" (PDF) from the "Local Forms" tab of the court's website at <http://www.courtinfo.ca.gov/courts/courtsofappeal/4thDistrictDiv3/forms.htm>. You also should telephone the Settlement Conference Clerk at (714) 564-3600 if your appeal is pending in the Judicial Settlement Program. You have 45 days from the date of filing of the Notice of Settlement to file a dismissal or abandonment, unless the time is extended by the court. (See Cal. Rules of Court, rule 8.244(a).)

**Your answers are intended for the Judicial Settlement Program to assess the feasibility of appellate mediation, and, if a settlement conference is held, to assist the judicial settlement officer in preparing for the conference. If a question is not applicable, use "N/A."**

**You may serve your responses to Questions #1 through #26 upon opposing counsel, but are not required to do so.**

**#1: SPECIAL CONSIDERATIONS.** Are there any special considerations that should preclude this appeal from being considered in the court's Judicial Settlement Program? (e.g., criminal appeals, bail forfeitures, conservatorship proceedings, etc.)? Please explain your response.

**#2: CONTACT COUNSEL INFO.** Who is the contact attorney for purposes of any settlement discussions or conference? Provide the applicable e-mail address and direct dial telephone number, if appropriate.

**#3: CLIENT INFO.** Provide names of your clients and their position on appeal (appellant, respondent, cross-appellant, etc.) Identify, by name, address and telephone number, the persons who have full settlement authority for your client (include insurance carriers and key representatives of public entities).

**#4: RATIFICATION PROCESS.** If you represent a corporate or institutional defendant, describe the process by which any settlement would be approved or ratified.

**#5: OPPOSING PARTIES / COUNSEL.** List the other parties to the appeal and their counsel of record.

**#6: INTERESTED PERSONS.** Are there any other persons (insurance carriers, related parties, spouse, indemnitee, lienholder) on *either* side whose presence would be necessary or useful at the settlement conference? If so, identify and explain.

**#7: SUBJECT MATTER.** What is the appeal about?

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Admiralty/Maritime  | <input type="checkbox"/> Environmental         | <input type="checkbox"/> Nonprofit          |
| <input type="checkbox"/> Attorneys' Fees     | <input type="checkbox"/> Family Law            | <input type="checkbox"/> Personal Injury    |
| <input type="checkbox"/> Banking             | <input type="checkbox"/> Government            | <input type="checkbox"/> Probate / Wills    |
| <input type="checkbox"/> Business / Contract | <input type="checkbox"/> Healthcare            | <input type="checkbox"/> Products Liability |
| <input type="checkbox"/> Civil Rights        | <input type="checkbox"/> Housing               | <input type="checkbox"/> Prof. Negligence   |
| <input type="checkbox"/> Constitutional      | <input type="checkbox"/> Immigration           | <input type="checkbox"/> Public Utility     |
| <input type="checkbox"/> Construction        | <input type="checkbox"/> Insurance             | <input type="checkbox"/> Real Estate        |
| <input type="checkbox"/> Education           | <input type="checkbox"/> Intellectual Property | <input type="checkbox"/> Securities         |
| <input type="checkbox"/> Elder Law           | <input type="checkbox"/> Labor Law             | <input type="checkbox"/> Sexual Harassment  |
| <input type="checkbox"/> Election Law        | <input type="checkbox"/> Landlord / Tenant     | <input type="checkbox"/> Slander / Libel    |
| <input type="checkbox"/> Eminent Domain      | <input type="checkbox"/> Land Use              | <input type="checkbox"/> Tax                |
| <input type="checkbox"/> Employment          | <input type="checkbox"/> Medical Malpractice   | <input type="checkbox"/> Other              |

**#8: TRIAL JUDGE.** Who was the trial judge?

**#9: THE JUDGMENT.** What did the trial judgment result from?

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Jury Trial (Length?) | <input type="checkbox"/> Court Trial (Length?) | <input type="checkbox"/> Summary Judgment |
| <input type="checkbox"/> Demurrer             | <input type="checkbox"/> Dismissal             | <input type="checkbox"/> Nonsuit          |
| <input type="checkbox"/> New Trial / JNOV     | <input type="checkbox"/> Arbitration Award     | <input type="checkbox"/> Admin. Mandamus  |

**#10: JUDGMENT AMOUNT.** If there is a money judgment, what is the amount, and the date it was entered?

**#11: POST-JUDGMENT COSTS AND FEES.** Describe any post-judgment costs and/or fees.

**#12: STAYS.** Is there a stay on appeal in effect? Explain (e.g., posting of bond, court-ordered stay, automatic stay, related bankruptcy case.)

**#13: APPEAL STATUS.** Please indicate any factors about the procedural status of the appeal (preparation of the record, briefing, pending motions) that may affect any decision to conduct a settlement or workout conference.

**#14: RELATED APPEALS.** Are there now, or have there been, any related appeals, writs, or other proceedings before this court or any other reviewing court either now, or in the foreseeable future? If yes, identify the cases by title and court number, or provide a brief description:

**#15: RELATED TRIAL COURT CASES.** Are there any pending trial court cases (declaratory relief, insurance coverage, related cases) that may affect the settlement of this case? If so, identify the cases by title and court number.

**#16: CASE SYNOPSIS.** Include a very brief statement of the critical facts of the case. Please make the factual description as short as possible — no more than a paragraph.

**#17: APPELLATE ISSUES.** Describe what are (or what you believe will be) the contentions in the instant appeal by your party and by the other parties to the appeal. Include any jurisdictional impediments of which the Judicial Settlement Officer should be aware. *(Note: these descriptions are for purposes of the Judicial Settlement Program only, and will not be deemed to be a waiver or forfeiture of any claim on appeal. The court further recognizes that the appellate record has not yet been prepared and that counsel and parties may not yet be able to identify all appellate contentions.)*

**#18: SETTLEMENT HISTORY.** Provide a detailed settlement history of the case. What settlement demands or offers have been made, and when?

**#19: RECENT DEVELOPMENTS.** Has anything changed in the recent months, involving the positions or interests of the parties (personal, financial, business, legal, etc.), that may affect the settlement posture by any party, or the continued prosecution of the appeal? Is there a pending or contemplated settlement?

**#20: SETTLEMENT INCENTIVES.** Describe the positive factors that may motivate the party you represent to settle, and that may motivate your opponent to enter into a settlement.

**#21: SETTLEMENT IMPEDIMENTS.** What are the impediments to a settlement, either for you or for the opposing party? (Include non-monetary factors as well.) Do you have any suggestions to alleviate them? Could an in-person settlement conference be a useful means towards achieving a consensual resolution of this appeal?

**#22: SETTLEMENT UNKNOWNNS.** Is this an appropriate time in the appellate process to consider settlement discussions? If not, is there a more appropriate time? Is there any more information that you need to obtain in order to make informed appellate decisions? How and when can such information be obtained?

**#23: ADDITIONAL INFORMATION.** Is there any information you would like to provide to the judicial settlement officer (or to the other side) to explain or understand your position or interests, or to promote a settlement or mediated resolution of the case?

**#24: “WORKOUT” CONFERENCE.** Besides settlement, would a so-called “workout conference” (either in person or by telephone) be useful to (1) simplify issues on appeal, (2) establish a briefing schedule (if briefs have not already been filed), or (3) address procedural questions, issues, or outstanding motions or applications, or for any other reason? Please explain.



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## **SCIF – Part Two Judicial Settlement Officer Only**

**Do not serve your responses to Questions #27 and #28 upon opposing counsel.**

**#27: CONFIDENTIAL INFORMATION.** Is there any CONFIDENTIAL information to be provided to the judicial settlement officer that may affect the potential for settling this appeal? Use this section to include any confidential information or comments that you do not believe should be disclosed to the other side.

**#28: CONFIDENTIAL SETTLEMENT OFFER / DEMAND.** What are the terms of your current settlement demand or offer to settle either the instant appeal or all related appeals? Please be aware that the court may not schedule a settlement conference if the parties appear to be so entrenched in their positions as to make a negotiated resolution unlikely.

**REMEMBER TO SIGN AND DATE THIS PAGE**

**#29. Submitted by:** \_\_\_\_\_

*(Date)*

\_\_\_\_\_

*(Attorney Name)*

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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**CASE NAME:**

**APPELLATE NO:**

**SUPER. CT. NO:**

**STIPULATED REQUEST FOR EXPEDITED SETTLEMENT REVIEW**

**INSTRUCTIONS:** A fully executed copy of this stipulation, signed by all parties or attorneys, should be attached to the appellant's SCIF. The stipulation need not contain original signatures; faxed signatures are acceptable.

The undersigned parties to the above appeal request that the court expedite its review of the completed Settlement Conference Information Forms (SCIFs).

Date:

\_\_\_\_\_  
*(Type or Print Name)*

\_\_\_\_\_  
*(Signature of Party or Attorney)*

Date:

\_\_\_\_\_  
*(Type or Print Name)*

\_\_\_\_\_  
*(Signature of Party or Attorney)*

Date:

\_\_\_\_\_  
*(Type or Print Name)*

\_\_\_\_\_  
*(Signature of Party or Attorney)*

Date:

\_\_\_\_\_  
*(Type or Print Name)*

\_\_\_\_\_  
*(Signature of Party or Attorney)*

**SUGGESTED SETTLEMENT CONFERENCE DATES  
(Optional)**

**Indicate (up to three) dates and times (morning or afternoon) within the next two calendar months which are mutually convenient for counsel and clients for a settlement conference. *In the event a settlement conference is held, the Court will endeavor to honor such suggested dates, if available. Allow at least 20 days for review and processing of the completed SCIFs.***

1ST AVAILABLE DATE: \_\_\_\_\_  
2ND AVAILABLE DATE: \_\_\_\_\_  
3RD AVAILABLE DATE: \_\_\_\_\_