

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number and Address):

TELEPHONE NO.:

ATTORNEY FOR (Name):

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF VENTURA**

Plaintiff(s),

vs.

Defendant(s).

) Case No. _____

)
) **REMOTE MANDATORY SETTLEMENT**
) **CONFERENCE PROCEDURES;**
) **ACKNOWLEDGEMENT OF RECEIPT &**
) **STIPULATION**

) Mandatory Settlement Conference Date & Time:

)
) _____

This case has been ordered to a Mandatory Settlement Conference (“MSC”) before Judge Kevin G. DeNoce. In light of the Coronavirus pandemic, MSCs are being conducted remotely using the “Zoom” platform. This document sets forth the policies and procedures governing remote MSCs. Any questions or issues regarding these policies or procedures must be brought to the attention of the MSC Judge before commencement of the MSC. **This form must be completed by all parties who intend to participate in the remote MSC and be filed with the court at least 5 days prior to the MSC in conjunction with your Settlement Conference Statement. (Cal. Rules Ct, Rule 3.1380(c).)**

1. Until further notice, all MSCs will be conducted via Zoom remote conferencing. If you have not previously used Zoom, it is your responsibility to learn how to use Zoom. The court does not provide advice or technical assistance as to how to use Zoom. Since each party will need to appear by audio and video through Zoom, you will need to have a camera and audio feed on the computer or device you are using. Tutorials on how to use Zoom can be found at: <https://support.zoom.us/hc/en-us/articles/206618765-Zoom-video-tutorials>.

2. "Trial counsel, parties, and persons with full authority to settle the case must personally attend the conference, unless excused by the court for good cause. If any consent to settle is required for any reason, the party with that consensual authority must be personally present at the conference." (*Cal. Rules Ct, Rule 3.1380(b).*) All parties and their representatives who will be participating in the remote MSC must be listed on this form with their email address and phone number. The Court will be using the email addresses listed on this form to send out Zoom conference invitations on the date of the remote MSC. The Court will be using the phone numbers listed on this form to communicate with participants during the MSC if necessary.
3. Participants in the Zoom MSC should join the Zoom conference 5 minutes prior to the scheduled MSC by clicking on the link emailed to you by the Court. Upon entering the Zoom forum, you will be placed in a waiting room until admitted by the Court which will act as the Host. At the outset of the conference, all participants will be admitted together and a brief joint discussion with all parties will take place. Thereafter, the court will engage in separate discussions with each side by using the Zoom breakout room and/or waiting room functions.
4. Participants in a remote MSC shall be alone in a quiet room or private area unless the court expressly approves the presence of another such as an interpreter or support person. Cell phones shall be silenced and not used during the MSC unless necessary to communicate with the court in the event of a lost connection. Mute your Zoom audio when you are not speaking. Only parties, their counsel and their insurance representatives are allowed to view and listen to the remote MSC. No other person can view or listen to the MSC except as explicitly authorized by the court.
5. Is there a request to have the court provide an interpreter for any MSC participant? Yes: [] No: []
If an interpreter is being requested, please provide the name(s) of the person(s) who need the assistance of an interpreter:
_____, and the
language interpreter needed: _____. (Persons
needing an interpreter should be in a separate private room during the MSC.)
6. Zoom is not a court created or provided platform. The court makes no warranties or guarantees regarding the confidentiality, privacy, or integrity of Zoom proceedings. If you have any questions regarding the confidentiality, privacy, or integrity of Zoom proceedings, you should conduct your own research at <https://zoom.us/> or contact Zoom representatives directly.

7. **RECORDING OF ANY PORTION OF THE MSC IS PROHIBITED.** No photography, recording or broadcasting of all or any portion of the remote MSC is permitted, whether by screenshot, audio or video recording, or otherwise. (See *CRC Rule* 1.150; *Pen.C.* § 632.) Participants in the MSC are prohibited from forwarding the Zoom invitation or disclosing the Zoom meeting identification code to any non-participant.
8. The MSC is subject to the provisions of *Evidence Code* § 1152 and is not a mediation or otherwise subject to the rules of mediation confidentiality set forth in *Evidence Code* §§ 703.5 and 1119, et seq.
9. The MSC Judge will not act as the Trial Judge and may conduct the MSC even if the MSC Judge is otherwise disqualified. (*Code Civ. Proc.* § 170.4(a)(6).)
10. The MSC Judge will conduct the MSC as he or she considers appropriate, including discussing all aspects of the case candidly with counsel and/or the parties and may have substantive discussions with one party (and counsel) without the presence of other parties (and counsel) or with counsel alone without their clients being present. If a party is represented by counsel, the MSC Judge will not meet, or have substantive discussions about the case, with that party alone without the express permission of the party and counsel.
11. The MSC Judge is and will remain impartial but may review the probable evidence, offer evaluations as to the strength or admissibility of probable evidence, including regarding damages, and express opinions about the applicable law, legal arguments, the probable outcome of the case and appropriate terms for settlement.
12. The techniques employed by the MSC Judge are designed to facilitate and encourage settlement, but no party is obligated to settle the case. Nothing said or done by the MSC Judge during, or in connection with, the MSC is intended to pressure or coerce any party or counsel to settle the case and should not be so interpreted. The decision to settle or not is entirely the prerogative of the parties and their counsel.
13. The MSC Judge will not communicate with the Trial Judge concerning the substance of the case or of the MSC, but may inform the Trial Judge if the case settles or not.

14. This Stipulation may be executed in two or more counterparts, and will be binding on the signatories thereto. This Stipulation is signed when a signature or e-signature is delivered by facsimile, e-mail or other electronic medium. These signatures will be treated in all respects as having the same force and effect as original signatures.

15. **Counsel must convey the above rules to their clients and any other agents participating in the remote MSC and ensure compliance with these rules.**

RECEIPT ACKNOWLEDGED AND SO STIPULATED:

Date: _____
Name of Party _____
Print Name _____
Attorney Other
Plaintiff Defendant
Cross-Complainant
Cross-Defendant
Signature _____

Email for Zoom Invite: _____ Phone number: _____

Date: _____
Name of Party _____
Print Name _____
Attorney Other
Plaintiff Defendant
Cross-Complainant
Cross-Defendant
Signature _____

Email for Zoom Invite: _____ Phone number: _____

Date: _____
Name of Party _____
Print Name _____
Attorney Other
Plaintiff Defendant
Cross-Complainant
Cross-Defendant
Signature _____

Email for Zoom Invite: _____ Phone number: _____

Date: _____

Name of Party

Print Name

- Attorney Other
- Plaintiff Defendant
- Cross-Complainant
- Cross-Defendant

Signature

Email for Zoom Invite: _____

Phone number: _____