

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> CENTRAL DIVISION, HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101		FOR COURT USE ONLY
PLAINTIFF(S)		
DEFENDANT(S)		
<b>COLLECTIONS MANDATORY SETTLEMENT CONFERENCE STATUS</b>		CASE NUMBER

**STATUS OF CIVIL COLLECTIONS MANDATORY SETTLEMENT CONFERENCE:**

**Attendance at Settlement Conference (print name and sign):**

<input type="checkbox"/> Plaintiff:	_____	_____
<input type="checkbox"/> Attorney for Plaintiff:	_____	_____
<input type="checkbox"/> Other participant (specify role):	_____	_____
<input type="checkbox"/> Defendant:	_____	_____
<input type="checkbox"/> Attorney for Defendant:	_____	_____
<input type="checkbox"/> Other participant (specify role):	_____	_____

**To be completed by Settlement Conference Officer:**

☐ **Settlement Conference held** on (date) \_\_\_\_\_.  
☐ **Matter settled** ☐ in full ☐ in part. See terms of the Stipulation for Settlement below.  
☐ **Matter did not settle** and is referred for reassignment to an Independent Calendar judge.  
☐ **Settlement Conference not held** on (date) \_\_\_\_\_. Specify reason:  
 \_\_\_\_\_  
 \_\_\_\_\_

☐ **Order to Show Cause hearing(s) to be set** as to why:  
☐ the complaint should not be dismissed **and/or** ☐ the answer should not be stricken **and/or**  
☐ monetary sanctions should not be imposed against  
☐ plaintiff and/or counsel for plaintiff  
☐ defendant and/or counsel for defendant  
 for failure to comply with the General Order of the Presiding Department re Civil Collections as follows (circle offending party(ies)):  
☐ (plaintiff/defendant) failed to appear  
☐ (plaintiff/defendant) failed to appear with full settlement authority  
☐ (plaintiff/defendant) failed to participate in good faith  
☐ (plaintiff/defendant) failed to submit the required settlement conference statement  
☐ Other (specify offending party(ies)):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

CASE NAME	CASE NUMBER
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### **STIPULATION FOR SETTLEMENT**

IT IS HEREBY STIPULATED THAT THIS MATTER IS DEEMED SETTLED ON THE FOLLOWING TERMS AND CONDITIONS:

1. a. Defendant agrees to pay plaintiff the sum of \$ \_\_\_\_\_.
- Costs (check ONE): ☐ Parties will bear their own costs. ☐ Defendant will pay the costs.
  - Plaintiff agrees to accept payment from defendant as follows (check ONE):
    - ☐ In full on (date) \_\_\_\_\_.
    - ☐ In installments as follows: The first payment in the amount of \$\_\_\_\_\_ will be due on (date) \_\_\_\_\_. Later payments in the amount of \$\_\_\_\_\_ per (week, month, etc.) \_\_\_\_\_ will be due on \_\_\_\_\_ (e.g., the first of the month) until the balance is paid in full.
  - Payment(s) will be made to (insert name of payee, address, account number, etc.): \_\_\_\_\_

- Payment(s) will be made by (check ONE): ☐ personal check  
☐ cashier's check  
☐ money order

- Other terms and conditions of agreement: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

b. If the defendant fails to make a payment on or before the date due as agreed in paragraph 1.a., then within ten (10) days of notification via First Class Mail by plaintiff, defendant will be deemed to be in default. If the tenth (10<sup>th</sup>) day is a Saturday, Sunday, or legal holiday, the 10-day period will continue until the next day that is not a Saturday, Sunday, or legal holiday.

c. In the event of any default (failure to pay) by defendant as described in paragraph 1.b. (parties to check *ONE* of the following boxes *and initial*):

\_\_\_\_\_ ☐ Enforcement will be via noticed motion pursuant to Code Civ. Proc. § 664.6 to request entry of judgment for the claimed amount as stated in the complaint plus costs, attorney's fees and/or pre-judgment interest to the extent recoverable.

\_\_\_\_\_ ☐ Defendant will become liable to plaintiff, and the parties agree that plaintiff may, on ex parte declaration to the court, without personal service to defendant, request that the court resume jurisdiction, reopen the case, and enter judgment against defendant for the amount of the unpaid balance of the settlement amount (the "sum" amount listed in paragraph 1.a. above less any payments received) plus any *additional* costs of suit and attorney's fees incurred after the date of default.

Other terms for enforcement of settlement in the event of default, if applicable:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

CASE NAME	CASE NUMBER
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d. If defendant makes all scheduled payments as agreed in paragraph 1.a., plaintiff will file a request for dismissal of this case with prejudice within thirty (30) days of receipt of the final payment.

2. Parties to check and initial if applicable:

\_\_\_\_\_ ☐ All settling parties WAIVE the provisions of Civ. Code § 1542, which states: "A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor."

3. If requested by any settling party, (circle *ONE*) [all parties] [plaintiff(s)] [defendant(s)] will sign standard releases and/or settlement documents, which will contain such terms and conditions that are standard, appropriate, reasonable, fair, just, and/or equitable.

4. The parties hereby release and forever discharge any and all claims that were asserted or could have been asserted in this case.

5. This settlement consists only of what is written herein and disposes of the entire case, including any cross-complaints. This case will be immediately dismissed without prejudice, subject to the court reserving jurisdiction to reactivate it to enforce the terms of the settlement agreement.

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or Print Name of Plaintiff

\_\_\_\_\_  
Signature of Plaintiff

\_\_\_\_\_  
Type or Print Name of Plaintiff's Attorney

\_\_\_\_\_  
Signature of Plaintiff's Attorney

\_\_\_\_\_  
Type or Print Name of Defendant

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Type or Print Name of Defendant's Attorney

\_\_\_\_\_  
Signature of Defendant's Attorney

IT IS SO ORDERED.

Date: \_\_\_\_\_

\_\_\_\_\_  
Name of Temporary Judge

\_\_\_\_\_  
Signature of Temporary Judge