

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b> <b>STANLEY MOSK COURTHOUSE</b> <b>111 NORTH HILL STREET</b> <b>LOS ANGELES, CA 90012</b>	<i>For Court Use Only</i>
<b>Case Name:</b> Petitioner:  Respondent:  Other Parent/Claimant(s):	Case Number:
<b>VOLUNTARY SETTLEMENT CONFERENCE STIPULATION AND ORDER</b>	
<b>DATE:</b> _____ <b>TIME:</b> 8:30 A.M. <b>DEPT.:</b> _____	

Based upon the stipulation of the parties, the court sets a Voluntary Settlement Conference (VSC) at the time and place identified above and orders:

**1. The Court finds and/or orders:**

- a. If required, the parties have each served a Preliminary Declaration of Disclosure and related mandatory Judicial Council forms.
  - i. Petitioner *waives* [ ] *does not waive* [ ] service of the Final Declaration of Disclosure.
  - ii. Respondent *waives* [ ] *does not waive* [ ] service of the Final Declaration of Disclosure.

[Note: Where both parties so waive, the parties must execute, file and serve the FL-144 or equivalent stipulation at least 10 days before the VSC.]

- b. The parties represent to the court they have completed sufficient discovery to participate in the VSC in good faith and with informed consent.
- c. The court is informed there are one or more court orders protecting one or both parties (such as restraining orders or criminal protective orders.) *Yes* [ ] *No* [ ]
- d. If an agreement is reached at the VSC, a judicial officer may order a full or partial judgment to be entered under the agreement under CCP § 664.6.
- e. Opposing experts expected to render opinions on the same subject must meet and confer before the VSC.
  - i. The parties must instruct their counsel and experts to share information requested by the other party as reasonably necessary to permit each party to assess the experts’ opinions.

- ii. The experts must prepare a comprehensive side-by-side analysis of their opinions identifying points of agreement and disagreement. The analysis must be attached to the joint statement (described below.)
- iii. The experts are encouraged to attend the VSC. If a party reasonably anticipates needing an expert's input to evaluate a settlement proposal, the party must plan for his or her expert either to attend the VSC or be accessible by phone call, text, or email during the conference.
- f. The parties and trial counsel must appear in person at the VSC unless the court has excused their personal appearance. If a party's personal appearance is excused by the court, that party must be available at all time during the VSC to communicate with counsel. The excused party must have the ability promptly to print, sign, scan, and return any agreement reached at the VSC.

## **2. The Joint Statement of Undisputed Facts and Contested Issues**

- a. Counsel must meet and confer before the conference to narrow the issues, and then prepare a brief joint statement of undisputed and contested issues. The parties shall in that statement affirmatively identify which of these matters are disputed: child custody, child support, date of separation, transmutation, community property, separate property, spousal support, attorney's fees and/or sanctions.
- b. The joint statement must list those basic or foundational facts about which the parties agree (such as the date of marriage, date of separation, and children's names and birthdates.)
- c. For each category of disputed matter identified above in 2(a), the joint statement must list the contested issues within each category, and each party must summarily state his or her position on each issue.
- d. The joint statement must be descriptive and not argumentative (but see subsection 2(h), below.)
- e. The joint statement must not exceed ten (10) pages.
- f. If separate property and/or community property are disputed matters, the parties shall prepare and attach separate and/or community property balance sheets as an exhibit.
- g. The side-by-side analysis of opposing experts shall be attached as an exhibit (see Section 1(e)(ii), above.
- h. Each party may provide as an exhibit to the joint statement up to five (5) pages of his or her separate arguments and statement of position on settlement issues. Such exhibits shall be identified as "Petitioner's Statement of Settlement Position" and "Respondent's Statement of Settlement Position" respectively.
- i. Budget
  - i. Each party's counsel must attach as an exhibit a budget disclosing the fees and costs incurred to date and projecting the additional work, fees and costs to take the case

through trial as described below. This budget projection is to be a good faith estimate and is not intended to bind a party or counsel.

- ii. The budget must describe:
  - a. The fees and costs incurred, including the source of funds used to pay these fees and costs to date;
  - b. All completed discovery, pending discovery, and discovery to be served with an explanation why such discovery has not yet been served;
  - c. A proposed date certain for completing fact and expert discovery;
  - d. The tasks to be completed to be ready for trial;
  - e. A proposed trial date; and
  - f. The realistic estimate of go-forward fees and costs for completing discovery, trial preparation, trial, and post-trial proceedings, and identifying the expected source of the funds for such fees and costs.
  - g. The budget is not subject to mediation confidentiality and it must be provided to the Home Court or Department 2 upon request at any subsequent Family Centered Case Resolution Conference.

### **3. Income and Expense Declaration**

- a. Each party must file and serve an Income and Expense Declaration FL-150 form that is current as of not over 15 days prior to the VSC.
- b. The parties must fill in every line of the financial declaration with numbers. Designations such as “TBD” “varies” or “unknown” shall not be used.

### **4. Filing and Service of VSC Brief**

The parties must lodge (and not file) their joint statements 10 calendar days before the VSC. (VSCs at Mosk: parties to lodge in Room 426, not Dept. 18.)

### **5. Other Proceedings**

- a. If the case settles in whole or in part, the court will set an OSC re: Entry of Judgment.
- b. If the case does not settle in whole, the court will remand the case to the home court, or if a long cause case, to Department Two for a further Family Centered Case Resolution Conference after the VSC.

**6. Other Stipulations or Orders**

a. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**STIPULATION**

Counsel’s execution of this Stipulation on behalf of a client is counsel’s representation to the court that counsel is duly authorized by the party to sign this stipulation and to so bind the party.

**IT IS SO STIPULATED.**

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Respondent

\_\_\_\_\_  
Counsel for Petitioner

\_\_\_\_\_  
Counsel for Respondent

**ADVISEMENT**

Compliance with the requirements of this Stipulation and Order requires substantial preparation. The likelihood of success of the VSC is directly related to the parties’ preparation for the VSC and compliance with this order.

**WARNING**

FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN THE COURT IMPOSING SANCTIONS AGAINST A PARTY OR COUNSEL UNDER CODE OF CIVIL PROCEDURE §§ 128, 177.5, FAMILY CODE § 271 OR CALIFORNIA RULE OF COURT 5.14.

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

\_\_\_\_\_  
THOMAS TRENT LEWIS, SUPERVISING JUDGE  
FAMILY LAW DIVISION