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 TEMECULA 41002 County Center Dr., Bldg. C, Suite 100, Temecula, CA 92591

PLAINTIFF: DEFENDANT:	<i>FOR COURT USE ONLY</i>
	CASE NUMBER:
	MEDIATION COMPLETION DATE:
NOTICE OF COURT-ORDERED MEDIATION (CCP § 1775.3; Local Rule, Title 4)	

TO: [Parties name(s)] _____

In accordance with Title 4 of the Local Rules, this case has been ordered to mediation. All parties must be familiar with the court's local rules and policies concerning the court-ordered mediation program. See www.riverside.courts.ca.gov/adr/adr.shtml

- APPLICATION:** This order applies to all parties who were ordered to mediation, including parties who select private mediators who are not on the court's Civil Mediation Panel. The parties shall provide their mediator with a copy of this order immediately upon selection of the mediator by agreement of the parties or random assignment by the court.
- WITHIN THIRTY (30) DAYS OF THE DATE OF THIS NOTICE, THE PARTIES SHALL:**
Select a location and three (3) mediation dates/times that are acceptable to all parties and file and serve the attached "Response to Notice of Court-Ordered Mediation." Parties who stipulate to a mediator must obtain that mediator's agreement to mediate before filing the attached form. This form is posted on the court's website at: <http://riverside.courts.ca.gov/localfrms/ri-adr02.pdf>
- NO RESPONSE:** If the court does not receive the attached "Response to Notice of Court-Ordered Mediation" within thirty (30) days, the clerk will randomly assign a mediator from the court's Civil Mediation Panel and the parties will have no right to object to the assigned mediator. The court will send a "Notice of Court-Assigned Mediator" to the mediator and all parties.
- MEDIATOR'S NOTICE OF ACCEPTANCE OR RECUSAL:** The mediator shall file and serve the "Mediator's Notice of Acceptance or Recusal" within 15 days after a notice of assignment or stipulation, even if the case has settled or if the mediation will not occur for any other reason. It is the parties' duty to confirm that their mediator has timely filed the form. The form is posted on the court's website at: <http://riverside.courts.ca.gov/localfrms/ri-adr03.pdf>
- SCHEDULING DUTIES:** It is the duty of the parties, not the mediator, to schedule and complete the mediation by the completion date stated on this order. Failure to do so will result in a report to the court that the parties failed to schedule the mediation and subject them to an order to show cause and monetary and/or non-monetary sanctions. The plaintiff shall coordinate with all parties the selections of a proposed location and three (3) available dates/times for the mediation session and notify the mediator of these proposals unless the mediator directs the defendant to do so.

When discussing the time and place for the mediation session, the parties shall consider the following: (a) the mediator's convenience (b) the completion of discovery and motions necessary for a meaningful session (c) the scheduling of all persons required to participate in person at the mediation session and (d) the parties' ability to comply with the mediator's requirements for mediation briefs or other pre-mediation activities.

6. **NO AUTHORITY TO SCHEDULE MEDIATION SESSIONS AFTER THE COMPLETION DATE:** If the mediation cannot be completed by the mediation completion date, the parties must file the form “Stipulation and Order to Continue Mediation Completion Date” and attach a proof of showing service on the mediator. This form is posted on the courts website at: <http://riverside.courts.ca.gov/localfrms/ri-adr05.pdf> . There is a \$20 filing fee. The mediator has no authority to schedule or conduct mediation after the mediation completion date.
7. **DUTY TO APPEAR AT MEDIATION:** All trial counsel, parties, principals and anyone with settlement authority must attend the mediation 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 mediation. A representative of each insurance carrier whose policy may apply must also attend all mediation sessions with full authority. Parties with potential insurance coverage must notify each carrier of the date, time and place of the mediation session and the carrier’s duty to attend with full settlement authority. All parties and counsel must complete a confidentiality agreement and attendance sheet as required by the California Rules of Court and the court’s local rules.
8. **FAILURE TO ATTEND MEDIATION: MONETARY AND OTHER SANCTIONS:** Parties are subject to an order to show cause for sanctions as follows: (a) For a party’s failure to complete mediation by the mediation completion date. (b) For a party’s failure to provide a Civil Mediation Panel mediator at least 2 days written notice of cancellation of a scheduled mediation session. Parties who fail to provide this notice may pay their Civil Mediation Panel mediator \$150 in lieu of court-ordered sanctions. (c) Nothing herein shall prevent a party from directly seeking sanctions against another party for any act or omission arising from a failure to complete mediation or comply with court rules regarding mediation. (d) “Sanctions” as that term is used herein includes, but is not limited to, all remedies available to the court pursuant to *Cal.Code.Civ.Proc.* sections 128.7, 177.5, 575.2, the California Rules of Court, Riverside Superior Court Local Rules and/or any other statute or case precedent. Sanctions may include, but are not limited to, monetary fines and penalties, reasonable attorneys’ fees, dismissal of the action or proceeding or any part thereof, striking of all or any part of any pleadings, entry of judgment, and/or any other penalties authorized by law.
9. **MANDATORY REPORTS:** Within 10 days after the mediation completion date, the mediator must file and serve the “Statement of Agreement or Non-Agreement” to notify the court that the mediation did or did not take place and that the case did or did not settle. The mediator must timely file this form even if the case has settled before the mediation, has not been scheduled for mediation, or has been cancelled for any reason.
www.courtinfo.ca.gov/forms/fillable/adr100.pdf

IT IS THE PARTIES’ DUTY TO CONFIRM WITH THEIR MEDIATOR THAT SHE/HE HAS TIMELY FILED THE “STATEMENT OF AGREEMENT OR NON-AGREEMENT.” If the court does not timely receive this form and if there is no “Notice of Settlement” or “Request for Dismissal” on file, the parties are subject to an order to show cause and monetary and/or non-monetary sanctions for failure to complete mediation.

Within 10 days after the mediation session, the parties must submit the post-mediation survey. Local Rule 4.0028. The form is posted on the court’s website at: http://www.riverside.courts.ca.gov/adr/postmediation_survey.pdf

10. **PARTIES’ DUTY TO FILE NOTICE OF SETTLEMENT:** If the case settles, the parties must file a “Notice of Settlement” no later than 10 days after the mediation completion date even if there was no mediation.

COURT MEDIATION INFORMATION SHEETS

FOR PARTIES/COUNSEL:

http://riverside.courts.ca.gov/adr/infosheet4crtordered_mediation.pdf

FOR MEDIATORS:

<http://riverside.courts.ca.gov/adr/infosheet4mediators.pdf>

CERTIFICATE OF MAILING

I certify that I am currently employed by the Superior Court of California, County of Riverside, and that I am not a party of this action or proceeding. In my capacity, I am familiar with the practices and procedures used in connection with the mailing of correspondence. Such correspondence is deposited in the outgoing mail of the Superior Court. Outgoing mail is delivered to and mailed by the United States Postal Service, postage prepaid, the same day in the ordinary course of business. I certify that I served a copy of the foregoing NOTICE OF COURT-ORDERED MEDIATION on this date, by depositing said copy as stated above.

Court Executive Officer/Clerk

Dated: _____

By: _____
(Clerk’s Name), Deputy