**DOUBLE BLIND SETTLEMENT TECHNIQUES: PROPOSING A DOUBLE BLIND RANGE**

**BY JUDGE MORTON DENLOW (RET.)**

**BREACH OF CONTRACT**

**PLAINTIFF’S INITIAL SETTLEMENT DEMAND IN MEDIATION STATEMENT IS $7,500,000 AND DEFENDANT’S INITIAL OFFER IN ITS MEDIATION STATEMENT IS $1,250,000**

**PARTY NEGOTIATING MOVES AT THE MEDIATION:**

**PLAINTIFF: $7,250,000 DEFENDANT: $1,375,000**

**PLAINTIFF: $7,100,000 DEFENDANT: $1,450,000**

**I SUGGEST PARTIES GIVE ME A CONFIDENTIAL DOUBLE-BLIND BRACKET WITH A $400,000 SPREAD WITH MID-POINT BEING THEIR SETTLEMENT NUMBER. PARTIES AGREE.**

**PLAINTIFF: $4,000,000 - $4,400,000. DEFENDANT: $2,600,000 - $3,000,000**

 **MIDPOINT $4,200,000 MIDPOINT: $2,800,000**

**I TELL THEM THEY HAVE MADE GOOD PROGRESS AND I HAVE HOPE THAT A SETTLEMENT CAN BE ACHIEVED**

**ALTERNATIVES:**

1. **I SUGGEST A DOUBLE BLIND RANGE**
2. **DOUBLE BLIND EQUAL MOVES SUGGESTED BY ME**
3. **DOUBLE BLIND MEDIATOR’S PROPOSAL**
4. **MUTALLY DISCLOSE MID-POINTS**

**I CHOOSE # 1 AND SUGGEST A RANGE BETWEEN $3,000,000 AND $3,999,999**

 **PLAINTIFF: YES. DEFENDANT: YES**

**I SUGGEST DOUBLE BLIND SPLIT THE DIFFERENCE AT $3,500,000**

 **PLAINTIFF: YES DEFENDANT: NO**

**I CONTINUE THE NEGOTIATIONS WITH PARTIES EXCHANGING NUMBERS**

 **PLAINTIFF: $3,900,000 DEFENDANT: $3,100,000**

 **PLAINTIFF: $3,750,000 DEFENDANT: $3,100,000**

 **PLAINTIFF: $$3,350,000 DEFENDANT: $3,200,00**

**LAST AND FINAL**

 **PLAINTIFF: $3,200,000**

**SETTLED FOR $3,200,000**