

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.
MIDPOINT \$4,200,000**

**DEFENDANT: \$2,600,000 - \$3,000,000
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