

Construction-Related Accessibility Claims: Information and Instructions to Assist Plaintiffs

1. An eligible defendant in a case with construction related disability access claims may seek an Early Evaluation Conference and a 90-day stay of those claims. The eligibility requirements are set forth in Civil Code section 55.53(c). If the court orders a stay of proceedings and an early evaluation conference, the defendant is required to have you served with the notice, which notice will list the date and time of the conference.
2. The request must have been filed with the court before or at the same time as defendant's responsive pleading or other first appearance in the action, and served on all parties within five days after the notice is issued.
3. Even if a defendant in such a case is not eligible for a stay or chooses not to request one, the party may obtain a similar evaluation conference, held somewhat later in the case, called an "mandatory evaluation conference," requiring an exchange of information between the parties. You may also request such a conference if you wish. Instructions for how to do that are in the ***Mandatory Evaluation Conference*** section in *Information and Instructions to Assist Defendants*.
4. If you are served with a [Notice of Stay of Proceedings and Early Evaluation Conference \(form DAL-010\)](#) or with a [Notice of Mandatory Evaluation Conference \(form DAL-020\)](#), you must, at least 15 days before the date set for the conference file, with the court and serve on the defendant a Statement of Damages and Attorney's Fees. The statement must include, to the extent reasonably known, all of the following:
 - An itemized list of specific conditions on the subject premises that are the basis of the claimed violations of construction-related accessibility standards in your complaint;
 - The amount of damages you are claiming;
 - The amount of attorney's fees and costs incurred to date, if any, that are being claimed; and
 - Any demand for settlement of the case in its entirety.
5. The defendant must also serve you various documents, based on which category defendant falls in. These obligations will be set out on the Notice.
6. The purpose of the evaluation conference is to settle the case, if possible. The persons attending the conference must have authority to settle the case.