

Fair v. Bakhtiari (Stonesfair Financial Corp. et al.), S129220

#05-01 Fair v. Bakhtiari (Stonesfair Financial Corp. et al.), S129220. (A100240; 122 Cal.App.4th 1457; Superior Court of San Mateo County; 417058.) Petition for review after the Court of Appeal reversed an order denying a motion to compel arbitration. This case includes the following issue: If the parties to a settlement agreement prepared in mediation include an arbitration provision, is the agreement then deprived of confidentiality under Evidence Code section 1123(b)—which provides that such an agreement is not protected from disclosure if it is signed by the settling parties and “[t]he agreement provides that it is enforceable or binding or words to that effect”—on the theory that by including the arbitration provision, the parties used “words to that effect” and thus impliedly indicated the agreement was to be enforceable or binding?

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