

Study Em-458

May 17, 2001

**First Supplement to Memorandum 2001-48****Early Disclosure of Valuation Data and Resolution of Issues in Eminent Domain: AB 237 (Papan)**

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Attached to this memorandum is a letter from Michael R. Nave, of San Leandro. Mr. Nave agrees wholeheartedly with the suggestion of Mr. Lanzafame to limit the litigation expense penalty in the case of an unsuccessful trial de novo following nonbinding arbitration. “Frankly, I doubt that many eminent domain litigants will use arbitration as an alternative to mediation, but Phil’s suggestions make it far more palatable.”

Respectfully submitted,

Nathaniel Sterling  
Executive Secretary

**VIA U.S. MAIL AND FAX**

May 14, 2001

Nathaniel Sterling, Esq.  
California Law Revision Commission  
4000 Middlefield Road, Room D-1  
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Law Revision Commission  
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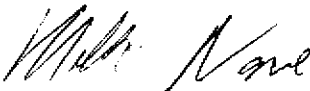
RE: Assembly Bill 237 (Papan)

Dear Nat.:

I have read Phil Lanzafame's letter of May 9<sup>th</sup>, and I agree wholeheartedly with his suggestion for the wording of proposed Code of Civil Procedure Section 1250.420 [c]. Frankly, I doubt that many eminent domain litigants will use arbitration as an alternative to mediation, but Phil's suggestions make it far more palatable. Please keep me advised of the progress of the bill. Thank you.

Very truly yours,

MEYERS, NAVE, RIBACK, SILVER & WILSON



Michael R. Nave

J:\wpd\ATTY\MRN\Assembly Bill 237 Papan.051401.kk.wpd

MRN:kzk

cc: via fax  
Hon. Louis J. Papan  
William C. George  
Norman E. Matteoni  
Roscoe D. Keagy  
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