

MCLE SELF-STUDY

CCP § 998 OFFERS REVISITED BY NICK CASPER

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MCLE SELF-STUDY TEST

- 1 The purpose of CCP § 998 is to discourage settlement offers and to increase the number of trials.
 True False
- 2 When a party has obtained a more favorable judgment or award than its § 998 offer that had been rejected, the party may obtain costs in excess of standard prevailing party costs enumerated under CCP § 1032.
 True False
- 3 Under the current version of CCP § 998, if the plaintiff fails to obtain a more favorable result than the defendant's § 998 offer, the defendant can be awarded its expert witness costs from the start of litigation.
 True False
- 4 Prior to 2016, the defendant who obtained a more favorable result than its § 998 offer to the plaintiff could be awarded expert witness costs incurred prior to the § 998 offer.
 True False
- 5 It is mandatory that a court grant a party's reasonable expert witness costs if it obtained a more favorable judgment or award than its § 998 offer.
 True False
- 6 In *Gilotti v. Stewart* (2017) 11 Cal.App.5th 875, the court invalidated the § 998 offer because there was a disparity between the offer amount as written out and as expressed in numerals.
 True False
- 7 In order to be enforceable, a § 998 offer must include an acceptance provision for the other party to sign.
 True False
- 8 In *Sanford v. Rasnick* (2016) 246 Cal.App.4th 1121, the court invalidated a § 998 offer that conditioned acceptance on the plaintiff signing a settlement agreement.
 True False
- 9 A § 998 offer can never be conditioned upon the signing of a release.
 True False
- 10 When two plaintiffs are married, both must agree to accept an opponent's § 998 offer.
 True False
- 11 In order to be valid, a joint § 998 offer generally cannot be conditioned on the acceptance by all parties.
 True False

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MCLE SELF-STUDY TEST, CONTINUED FROM PAGE 1

- 12 Joint § 998 offers are never valid.
 True False
- 13 In *Kahn v. The Dewey Group* (2015) 240 Cal.App.4th 227, the court upheld a joint § 998 offer from multiple plaintiffs to a single plaintiff.
 True False
- 14 Under *Kahn v. The Dewey Group* (2015) 240 Cal. App.4th 227, a joint § 998 offer from multiple defendants to a single plaintiff must be compared to the aggregate judgment from the offering defendants.
 True False
- 15 The best strategy to ensure that a § 998 offer will be upheld as enforceable is to include as many conditions as possible in the offer.

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