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BEAT THE GAP

Quick Reference — A Confidential Closing Technique

Each side submits one confidential number; the parties' numbers—not the mediator's—decide whether the case settles.

How It Works

1. **Agree to proceed.** Both sides agree to be bound by the outcome of the test below.
2. **Mediator sets a percentage range** (e.g., 20%).
3. **Each side submits one confidential number** to the mediator.
4. **If both tests below pass**, the case settles at the **midpoint**. If not, numbers stay confidential and negotiation continues.

The Test — Calculate From Your Own Number

If you are Plaintiff

Settles only if Defendant's number $\geq$
Plaintiff Confidential Number – 20%

Example: Plaintiff submits \$100,000:

- Defendant's number must be $\geq$ \$80,000
- Lowest possible settlement: \$90,000

If you are Defendant

Settles only if Plaintiff's number $\leq$
Defendant Confidential Number + 20%

Example: Defendant submits \$90,000:

- Plaintiff's number must be $\leq$ \$108,000
- Highest possible settlement: \$99,000

Both must pass for the case to settle.

Example (20% Range)

Plaintiff: \$103,000 / Defendant: \$88,000

Defendant $\geq$ \$82,400? **Yes ✓** Plaintiff $\leq$ \$105,600? **Yes ✓**

Both pass → settles at the midpoint: \$95,500.

If the case does not settle, numbers are confidential and negotiation continues.