

COMMONWEALTH OF MASSACHUSETTS

_____ (Plaintiff) v. _____ (Defendant)

_____ Superior Court (Docket # _____)

MEMORANDUM OF UNDERSTANDING

The Parties in the above-entitled matter hereby agree to the following settlement terms, which shall be incorporated in a formal settlement agreement.

1. On or before _____, 2003, Defendant shall pay Plaintiff \$_____.

2. Contemporaneously with the above-referenced payment, the parties shall execute mutual general releases of all claims against any of the parties, their affiliated entities, officers, employees, agents, and representatives, and a stipulation of dismissal of the above matter with prejudice, without costs, and waiving all rights of appeal.

3. The formal settlement agreement shall contain a confidentiality provision and no-admission-of-liability provision.

4. Regardless of whether a formal settlement agreement is executed, the parties intend the terms of this memorandum of understanding to be legally enforceable.

5. Notwithstanding the confidentiality of the mediation process and the terms of this settlement, the parties agree that this memorandum of understanding may be submitted to any court of competent jurisdiction for purposes of enforcement.

Plaintiff

Defendant

Plaintiff's counsel

Defendant's counsel

Date: