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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

EDWARD BORELLI, individually, and on  
behalf of all others similarly situated,  
  
Plaintiff,  
  
v.  
  
BLACK DIAMOND AGGREGATES,  
INC. and DOES 1 through 10,  
  
Defendants.

No. 2:14-cv-02093-KJM-KJN

ORDER

On March 27, 2015, the court held a hearing in this matter on two pending motions: defendants' motion to compel arbitration (ECF No. 9) and plaintiff's motion to amend the operative complaint (ECF No. 19). At the hearing, in addition to entertaining arguments on the motions' merits, the court directed the parties to meet and confer and notify the court whether they would stipulate to private mediation and to plaintiff's filing of an amended complaint. (ECF No. 27.) On April 3, 2015, the parties filed a stipulation, agreeing to private mediation with retired Judge Richard L. Gilbert, to be completed by July 31, 2015. (ECF No. 29.) The parties were unable to stipulate to plaintiff's filing of an amended complaint. (ECF Nos. 30, 31.)

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After considering the parties' stipulation, the court orders as follows:

1. This case is referred to private mediation according to the terms of the parties' stipulation. (ECF No. 29.)
2. The two pending motions (ECF Nos. 9, 19), shall remain pending until the parties notify the court of the mediation's result. At that time, if the case has not settled, the motions shall be submitted.

IT IS SO ORDERED.

DATED: April 15, 2015.

  
UNITED STATES DISTRICT JUDGE