

1 CHRISTOPHER J. YOST, ESQ. (Bar No. 150785)
 2 MIREYA A.R. LLAURADO, ESQ. (Bar No. 194882)
FEDERAL EXPRESS CORPORATION
 2601 Main Street, Suite 340
 3 Irvine, California 92614
 Telephone: (949) 862-4558
 4 Facsimile: (949) 862-4605
 E-mail: cjoyost@fedex.com

5 Attorneys for Defendants
 FEDERAL EXPRESS CORPORATION,
 6 EVERETT REY, and ROBERT VAN GALDER,
 erroneously sued and served as Robin Van Galder
 7

8 STEPHEN M. MURPHY, ESQ.
LAW OFFICES OF STEPHEN M. MURPHY
 180 Montgomery St., Ste. 940
 9 San Francisco, CA 94104
 PHONE: (415) 986-1338, ext. 121
 10 FAX: (415) 986-1231
 EMAIL: Smurphy@justice.com
 11 Attorneys for Plaintiff PERNELL EVANS

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 13 **UNITED STATES DISTRICT COURT**

14 **NORTHERN DISTRICT OF CALIFORNIA**

15 PERNELL EVANS, an individual,
 16 Plaintiff,
 17 v.
 18 FEDEX EXPRESS, a Corporation,
 EVERETT REY, an individual, ROBIN
 19 VAN GALDER, a individual, and DOES
 1-50, Inclusive,
 20 Defendants.
 21

Case No. CV-08-01005 SI
 Assigned to: Honorable Susan Illston,
 Courtroom 10

**[PROPOSED] ORDER FOR
 STIPULATION REGARDING
 MEDIATION SET FOR
 SEPTEMBER 29, 2009**

Complaint Filed: Feb. 19, 2008
 Trial Date: February 22, 2010

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 23 Now come the parties, Pernel Evans (Evans) and Defendants Federal
 24 Express Corporation, Everett Rey (Rey) and Robin Van Galder (“Van Galder”)
 25 (collectively, “Defendants”), by and through counsel, and file this stipulated
 26 request to excuse Rey and Van Galder’s personal appearance at the September 29,
 27 2009, mediation. The parties hereby stipulate as follows and request that this
 28 stipulation be made the order of the Court:

1 1. All of the parties attended a May 19, 2009 mediation before Fredrick Butler,
2 including Evans, Rey and Van Galder;

3 2. As part of the May 19, 2009 mediation, Evans made an oral presentation of
4 his grievances to Rey and Van Galder. No such mutual sessions will occur at the
5 September 29, 2009, mediation.

6 3. Both Rey and Van Galder's depositions have been completed.

7 4. Rey and Van Galder both manage busy operations during the daytime.

8 5. The parties have discussed with mediator Barbara S. Bryant proceeding
9 without the Rey and Van Galder being present and all agree that their presence is
10 not required for an effective mediation.

11 6. Both Rey and Van Galder work at locations in Oakland that are within
12 approximately 12 to 15 miles of the mediation site in Oakland, and can be at the
13 mediation site in Oakland within 20 minutes if, for some unexpected reason, their
14 presence becomes necessary; an eventuality that neither the parties nor the mediator
15 anticipates will occur.

16 7. Counsel for FedEx has complete authority to settle any and all claims Evans
17 has made against Rey and Van Galder. Indeed, neither Rey nor Van Galder has any
18 authority to compel or prevent a compromise of any of Evans' claims.

19 8. Neither party anticipates that the absence of either Rey or Van Galder will
20 impact the mediation in any material way.

21 9. In order to maximize the value of the second mediation, avoid unnecessary
22 expenditure, and minimize disruption to FedEx's operations, by the Parties, request
23 that Rey and Van Galder be excused from attending the September 29, 2009,
24 mediation.

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IT IS SO ORDERED:

That Everett Rey and Robert Van Galder be excused from personally attending the September 29, 2009, mediation. However, both Rey and Van Galder shall be available by phone during the September 29, 2009, mediation, should the need for their participation arise.

By:



Judge Susan Illston

Dated: September __, 2009

