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13 Attorneys for Plaintiffs  
14 JON W. BAYLESS and GARY J. MORGENTHALER,  
15 as Trustees in Dissolution for WESTWAVE COMMUNICATIONS, INC.  
16 a dissolved Delaware Corporation

17 UNITED STATES DISTRICT COURT  
18 FOR THE NORTHERN DISTRICT OF CALIFORNIA

19 JON W. BAYLESS and GARY J.  
20 MORGENTHALER, as Trustees in  
21 Dissolution for WESTWAVE  
22 COMMUNICATIONS, INC. a dissolved  
23 Delaware Corporation,

24 Plaintiff,

25 vs.

26 ILLINOIS UNION INSURANCE  
27 COMPANY, and DOES 1-10.

28 Defendants.

) Case No. C 08-01779 JSW

) **STIPULATION RE MEDIATION;**  
) **[PROPOSED] ORDER RE SAME**

29 Plaintiffs Jon W. Bayless and Gary J. Morgenthaler, as Trustees in Dissolution for  
30 Westwave Communications, Inc., a dissolved Delaware Corporation (“Westwave”) and  
31 Defendant Illinois Union Insurance Company hereby stipulate as follows:

32 1. On August 5, 2008, the Court entered a Stipulation and Order Selecting ADR  
33 Process (the “Order”). The Order provided that the parties would participate in private

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1 mediation with JAMS and hold the mediation by December 15, 2008. The Order was  
2 confirmed at the August 15, 2008 Case Management Conference.

3 2. Despite their good faith efforts, the parties could not agree on a mediator at  
4 JAMS. Instead, the parties have agreed to use Gig Kyriacou, an independent mediator, as the  
5 mediator. Due to Mr. Kyriacou's schedule, the parties could not schedule the mediation before  
6 the December 15 deadline.

7 3. The parties have agreed to mediation with Mr. Kyriacou on January 21, 2009.

8 4. The parties request that the Court revise the Order to extend the deadline for  
9 mediation to January 21, 2009 and to permit the parties to mediate before Mr. Kyriacou.

10 IT IS SO STIPULATED.

11 Dated: December 10, 2008

PILLSBURY & LEVINSON, LLP

12 By: /s/ Eric K. Larson

13 Philip L. Pillsbury, Jr.  
14 Vedica Puri  
15 Eric K. Larson

16 Attorneys for Plaintiffs  
17 JON W. BAYLESS, GARY J.  
18 MORGENTHALER, as Trustees in Dissolution  
19 for WESTWAVE COMMUNICATIONS, INC. a  
20 dissolved Delaware Corporation

21 Dated: December 9, 2008

22 WILSON, ELSER, MOSKOWITZ, EDELMAN  
23 & DICKER LLP

24 By: /s/ Julie E. Van Wert

25 Darren Le Montree  
26 Julie E. Van Wert

27 Attorneys for Defendant  
28 ILLINOIS UNION INSURANCE COMPANY

IT IS SO ORDERED.

29 Dated: December 10, 2008

  
30 Hon. Jeffrey S. White