

1 Thomas S. Brazier, Esq./ SBN 055484  
 Jeffrey F. Oneal, Esq./ SBN 129072  
 2 LaMORE, BRAZIER, RIDDLE & GIAMPAOLI  
 1570 The Alameda, Suite 150  
 3 San Jose, California 95126-2305  
 Telephone: (408) 280-6800  
 4 Facsimile: (408) 275-6284

5 Attorneys for Defendants  
 SWD TRANSPORT LLC and  
 6 ESTATE OF MARK WAYNE DARRAH

7  
 8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

11 CAROLYN BRYAN AND DAVID CLARK,

12 Plaintiffs,

13 v.

15 MARK WAYNE DARRAH, SWD TRANSPORT  
 16 LLC, and DOES 1 to 10, inclusive,

17 Defendants.

Case No.: C-08-03480 EMC

**ORDER TO MEDIATE AND SELECTION  
 OF ADR PROCESS**

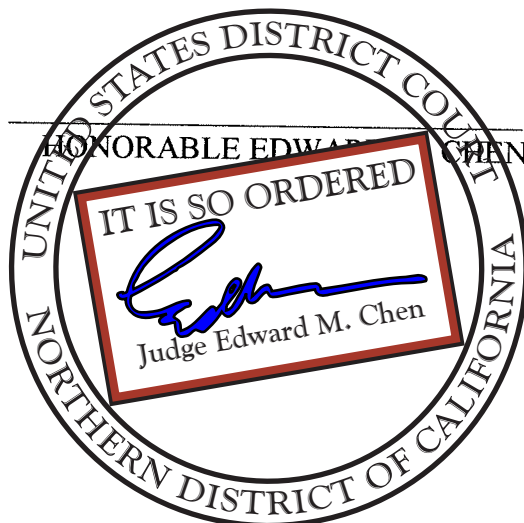
Courtroom: C, 15<sup>th</sup> Floor

Judge: Honorable Edward M. Chen

18 IT IS HEREBY ORDERED that the parties shall engage in private mediation to be held no later  
 19 than April 28, 2009. Each party shall share equally in the fees to the mediator. The mediator as selected  
 20 by the parties shall be Chris Lavdiotis, Esq.

21 Dated: September 22,  
 22 \_\_\_\_\_, 2008

By: \_\_\_\_\_



**CERTIFICATE OF SERVICE**

I am a citizen of the United States and employed in the county aforesaid; I am over the age of eighteen years, and not a party to the within action; my business address is 1570 The Alameda, Suite 150, San Jose, California . On the date set forth below I served the documents described below:

**[PROPOSED] ORDER TO MEDIATE AND SELECTION OF ADR PROCESS**

on the following person(s) in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Ron Maidenberg, Esq.  
3645 Grand Avenue, Suite 307  
Oakland, CA 94610  
Telephone: 510-444-3330  
Facsimile: 510-444-3527

Attorney for Plaintiff  
CAROLYN BRYAN AND DAVID CLARK

(BY MAIL) I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail at San Jose, California.

(BY PERSONAL SERVICE) I caused such envelope(s) to be delivered by hand this date to the offices of the addressee(s).

(BY ELECTRONIC MAIL) I caused such document(s) to be transmitted by electronic mail on this date to the offices of addressee(s).

(BY FACSIMILE) I caused such document(s) to be transmitted by facsimile on this date to the offices of addressee(s).

(BY FEDERAL EXPRESS) I caused such envelope(s) with all fees fully prepaid to be placed in the Federal Express office at San Jose, California.

(STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

EXECUTED on September 16, 2008 at San Jose, California.

  
\_\_\_\_\_  
Sheila Mollett

15651-097