

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

INDYMAC FEDERAL BANK, F.S.B., by
the FDIC as Conservator,

CASE NO. 08-CV-4303 WHA

Plaintiff(s),

v.

PMI MORTGAGE INSURANCE CO., an
Arizona corporation,

STIPULATION AND ~~[PROPOSED]~~
ORDER SELECTING ADR PROCESS

Defendant(s).

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

Court Processes:

Non-binding Arbitration (ADR L.R. 4)

Early Neutral Evaluation (ENE) (ADR L.R. 5)

✓ Mediation (ADR L.R. 6)

(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)

Private Process:

Private ADR (please identify process and provider) _____

The parties agree to hold the ADR session by:

the presumptive deadline *(The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.)*

✓ other requested deadline No earlier than the court's rulings on Plaintiff's motion for partial summary adjudication and Defendant's motion to dismiss.

Dated: 12/01/2008

James Murray

Attorney for Plaintiff

Dated: 12/01/2008

/S/ Douglas Winthrop

Attorney for Defendant

ATTESTATION

I, James Murray, am the ECF User whose identification and password are being used to file this Stipulation and Proposed Order selecting ADR Process. I hereby attest that Douglas A. Winthrop has concurred in this filing.

Dated: 12/01/2008

DICKSTEIN SHAPIRO LLP

By: _____/S/_____
James Murray
Attorneys for Plaintiff IndyMac Federal Bank,
F.S.B., by the Federal Deposit Insurance
Corporation as Conservator

[PROPOSED] ORDER

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

- Non-binding Arbitration
- Early Neutral Evaluation (ENE)
- Mediation
- Private ADR

Deadline for ADR session

- 90 days from the date of this order.
- other

IT IS SO ORDERED.

Dated: December 3, 2008

