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8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN FRANCISCO DIVISION

12 AMERICAN SMALL BUSINESS LEAGUE,

No. C 09-1098 EMC

13 Plaintiff,

14 v.

JOINT MOTION TO BE EXCUSED FROM THE FORMAL ADR PROCESS and PROPOSED ORDER

15 UNITED STATES SMALL BUSINESS ADMINISTRATION

16 Defendant.  
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18 Each of the undersigned certifies that he or she has read either the handbook entitled "Dispute  
 19 Resolution Procedures in the Northern District of California," or the specified portions of the ADR  
 20 Unit's Internet site <[www.adr.cand.uscourts.gov](http://www.adr.cand.uscourts.gov)>, discussed the available dispute resolution options  
 21 provided by the court and private entities, and considered whether this case might benefit from any  
 22 of them.

23 Here, the parties agree that referral to a formal ADR process will not be beneficial because  
 24 this action is limited to Plaintiff's request that this Court review Defendant's denial of his Freedom  
 25 of Information Act request. Defendant avers that it does not have any responsive records. Given the  
 26 substance of the action and the lack of any potential middle ground, ADR will only serve to multiply  
 27 the proceedings and unnecessarily tax court resources. Accordingly, pursuant to ADR L.R. 3-3(c),  
 28 the parties request the case be removed from the ADR Multi-Option Program and that they be

JOINT MOTION TO BE EXCUSED FROM THE FORMAL ADR PROCESS and PROPOSED ORDER  
 C 09-1095 EMC

1 excused from participating in the ADR phone conference and any further formal ADR process.

2 Dated: 5/27/09

Respectfully submitted,

3 JOSEPH P. RUSSONIELLO  
4 United States Attorney

5  
6 /s/  
MELANIE L. PROCTOR  
7 Assistant United States Attorney  
Attorneys for Defendants

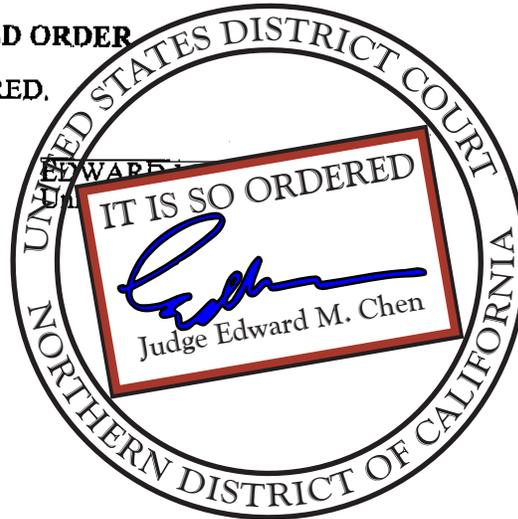
8 Dated: 052709

9   
10 ROBERT E. BELSHAW  
Attorney for Plaintiff

11 **PROPOSED ORDER**

12 Pursuant to stipulation, IT IS SO ORDERED.

13 Dated: May 29, 2009



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28 I, Melanie L. Proctor, hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/s/) within this filed document.