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9 Attorneys for Defendant Acer America Corporation

10
 11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

13 LORA and CLAY WOLPH, on behalf of
 14 themselves and all others similarly situated,

15 Plaintiffs,

16 v.

17 ACER AMERICA CORPORATION, a
 18 California corporation,

19 Defendant.

Case No. CV 09 1314 JSW

**STIPULATION AND ~~PROPOSED~~
 ORDER SELECTING ADR PROCESS**

20
 21 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:

22 The parties agree to participate in the following ADR process:

23 **Court Processes:**

- 24 Non-binding Arbitration (ADR L.R. 4)
- 25 Early Neutral Evaluation (ENE) (ADR L.R. 5)
- 26 Mediation (ADR L.R. 6)

27 (*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
 28 *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 within six months of the defendant's answer to the Complaint

DATED: August 31, 2009

PEARSON, SIMON, WARSHAW & PENNY, LLP
DANIEL L. WARSHAW
BOBBY POUYA

HAUSFELD, LLP
MICHAEL P. LEHMANN

By: _____ /s/
DANIEL L. WARSHAW
Attorneys for Plaintiffs and the Proposed Class

DATED: August 31, 2009

AKIN GUMP STRAUSS HAUER & FELD LLP

By: _____ /s/
CHAD A. STEGEMAN
Attorneys for Defendant ACER AMERICA CORPORATION

Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from Daniel L. Warshaw.

DATED: August 31, 2009

AKIN GUMP STRAUSS HAUER & FELD LLP

By: _____ /s/
CHAD A. STEGEMAN
Attorneys for Defendant ACER AMERICA CORPORATION

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[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: mediation shall commence within six months following Defendant's answer to the operative complaint. _____

IT IS SO ORDERED.

DATED: September 2, 2009



 Jeffrey S. White
 United States District Court Judge