

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ESTATE OF DENNIS P. TORGERSON,

CASE NO. C 09-01473 JL

Plaintiff(s),

v.

STIPULATION AND [PROPOSED]
ORDER SELECTING ADR PROCESS

SMITHKLINE BEECHAM CORP., ET AL.

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*



other requested deadline

Counsel for the parties have previously litigated this type of case together and aim to reach resolution before a case is filed or while pending. The parties have yet to reach agreement here, but will revisit discussions once case-specific discovery is underway. Based on this previous history, the parties believe a Court-imposed ADR deadline would not be beneficial in this action and respectfully request that the Court relieve the parties from the ADR Multi-Option Program.

Dated: 06/24/2009

/s/ Fred H. Shepherd [with permission]
Attorney for Plaintiff

Dated: 06/24/2009

/s/ Brenda N. Buonaiuto
Attorney for Defendant

When filing this document in ECF, please be sure to use the appropriate ADR Docket Event, e.g., "Stipulation and Proposed Order Selecting Early Neutral Evaluation."

[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 to be revisited at the case management conference

IT IS SO ORDERED.

Dated: _____



UNITED STATES MAGISTRATE JUDGE