

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Alzheimer's Institute of America

CASE NO. 3:09-cv-02772-VRW

Plaintiff(s),

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

v.

CoMentis, Inc. and Oklahoma Medical
Research Foundation

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.*)

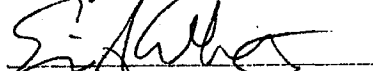
other requested deadline _____

Dated: 9/8/09 _____




Attorney for Plaintiff

Dated: 9/9/09 _____



Attorney for Defendant
CoMentis, Inc.

Defendant Okalhoma Medical Research Foundation disputes personal jurisdiction in this case, and will be filing a motion to dismiss to that effect. If that motion is denied, it agrees that mediation is the appropriate ADR option. However, it believes that mediation will be most fruitful if some amount of fact discovery has been completed. 9/9/09  Attorney for Defendant OMRF

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

IT IS SO ORDERED.

Dated: 9/25/2009

