

1 Diego Acevedo (State Bar No. 244693)
 email: dacevedo@fbm.com
 2 Sarah F. Peterman (State Bar No. 227082)
 Email: speterman@fbm.com
 3 Farella Braun & Martel LLP
 235 Montgomery Street, 17th Floor
 4 San Francisco, CA 94104
 Telephone: (415) 954-4400
 5 Facsimile: (415) 954-4480

6 Attorneys for Plaintiff
 JAY E. MARTIN

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

12 JAY E. MARTIN on behalf of himself and
 13 all others similarly situated,

14 Plaintiff,

15 vs.

16 LUMETRA CO., INC.,

17 Defendant.

Case No. CV 09-3478

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

18
 19 Counsel report that they have met and conferred regarding ADR and have reached the
 20 following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

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

22 **Court Processes:**

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

26 *(Note: Parties who believe that an early settlement conference with a Magistrate Judge is*
 27 *appreciably more likely to meet their needs than any other form of ADR, must participate in an*

1 ADR phone conference and may not file this form. The must instead file a Notice of Need for
2 ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)

3 **Private Process:**

4 _____ Private ADR (please identify process and provider) _____

5
6 The parties agree to hold the ADR session by:

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

8 X other requested deadline: The parties are already engaged in settlement
9 negotiations. Therefore, so as to allow adequate time to
10 continue these settlement negotiations, the parties jointly
11 request that the mediation to which they hereby stipulate
not be scheduled until a date that is 120 days from the
Initial Case Management Conference (i.e., a date no
earlier than March 5, 2010).

12 Dated: October 15, 2009

FARELLA BRAUN & MARTEL LLP

13 I represent that concurrence in the filing of
14 this document has been obtained from the
15 other signatory, which shall serve in lieu of
his signature on this document.

By: /s/ Sarah F. Peterman
Sarah F. Peterman

16 Attorneys for Plaintiff
17 JAY E. MARTIN

18 LANKENAU & MILLER, LLP
19 Stuart J. Miller (SJM 4276)
132 Nassau Street, Suite 423
New York, NY 10038
20 Telephone: (212) 581-5005
Facsimile: (212) 581-2122

21 THE GARDNER FIRM, P.C.
22 Mary E. Olsen (OLSEM4818)
M. Vance McCrary (MCCRM4402)
23 J. Cecil Gardner (GARDJ3461)
1119 Government Street
24 P.O. Drawer 3103
Mobile, AL 36652
25 Telephone: (251) 433-8100
Facsimile: (251) 433-8181

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Cooperating Attorneys for
THE NLG MAURICE AND JANE SUGAR LAW
CENTER FOR ECONOMIC AND SOCIAL
JUSTICE, a non-profit law firm
733 St. Antoine, 3rd Floor
Detroit, Michigan 48226
Telephone: (313) 962-6540

Dated: October 15, 2009

DLA Piper

By: /s/ John R. Hurley
John R. Hurley

Attorneys for Defendant
LUMETRA CO., INC.,

1 ~~PROPOSED~~ ORDER

2 Pursuant to the parties stipulation,
3 IT IS HEREBY ORDERED THAT the Case Management Conference scheduled for
4 11/12/2009 is CONTINUED to **2/25/10 at 2:30 p.m.** The parties shall meet and confer prior to
5 the conference and shall prepare a joint Case Management Conference Statement which shall be
6 filed no later than ten (10) days prior to the Case Management Conference that complies with the
7 Standing Order for All Judges of the Northern District of California and the Standing Order of
8 this Court. Plaintiffs shall be responsible for filing the statement as well as for arranging the
9 conference call. All parties shall be on the line and shall call (510) 637-3559 at the above
10 indicated date and time.

11 IT IS SO ORDERED.

12 Dated: October 16, 2009

13 
14 SAUNDRA BROWN ARMSTRONG
15 United States District Judge

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