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10 Attorneys for Defendant
 AHL SHIPPING COMPANY

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 12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN FRANCISCO DIVISION

15 JAMES A. SMITH,
 16 Plaintiff,
 17 vs.
 18 AHL SHIPPING COMPANY, et al.,
 19 Defendants.

Case No.: 3:09-cv-04794-EDL
**STIPULATION AND ~~PROPOSED~~
 ORDER REMOVING STAYED ACTION
 FROM THE ADR PROGRAM**

21 Plaintiff James A. Smith and defendant AHL Shipping Company (“AHL”) jointly submit
 22 this Stipulation and Proposed Order Removing Stayed Action From the ADR Program.

23 On December 18, 2009, the Court referred this matter to the ADR Program for mediation.
 24 On June 18, 2010, however, before the mediation took place, defendant AHL filed in the United
 25 States Bankruptcy Court, Eastern District of Louisiana, a Voluntary Petition for Relief under
 26 Chapter 7 of the U.S. Bankruptcy Code, which resulted in an automatic stay of this action under
 27 11 U.S.C. §362(a). On June 18, 2010, AHL filed a Notice of Automatic Stay in this Court. No
 28 end to the stay is in sight.

1 The ADR Program administration has asked the parties to seek to have the Court rescind
2 the referral of this action to mediation or other action under the ADR Program. Therefore plaintiff
3 James Smith and defendant AHL, by and through their counsel of record, jointly request that the
4 Court order that this action be removed from the ADR Program, without prejudice to referral back
5 to the ADR Program should the stay be lifted.

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SO STIPULATED AND RESPECTFULLY REQUESTED:

8 DATED: February 3, 2011 BRODSKY MICKLOW BULL & WEISS LLP

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By /s/ Edward M. Bull III
Edward M. Bull III
Attorneys for Plaintiff
JAMES SMITH

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DATED: February 3, 2011 EMARD DANOFF PORT TAMULSKI & PAETZOLD LLP

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By /s/ Eric Danoff
Eric Danoff
Attorneys for Defendant
AHL SHIPPING COMPANY

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CERTIFICATE OF SIGNATURE

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19 I attest that the content of this pleading is acceptable to attorney Edward M. Bull III and
20 that he authorized me to sign the pleading on his behalf.

21 DATED: February 3, 2011 EMARD DANOFF PORT TAMULSKI & PAETZOLD LLP

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By /s/ Eric Danoff
Eric Danoff

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ORDER REMOVING THIS ACTION FROM THE ADR PROGRAM

Given the pending bankruptcy stay of this action and the stipulation of counsel, the Court hereby orders that this case is removed from the Court's ADR Program, and the Court's referral of this case to mediation under the ADR Program is rescinded, without prejudice to referral back to the ADR Program should the stay be lifted in the future.

DATED: February 7, 2011

ELIZABETH D. LAPORTE
United States Magistrate

