

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Matthew Ozga

CASE NO. 3:09-cv-05112 JSW

Plaintiff(s),

v.

STIPULATION AND ~~PROPOSED~~  
ORDER SELECTING ADR PROCESS

U.S. Remodelers, Inc.

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 completed private mediation on October 1, 2009, before mediator Michael Loeb of JAMS. The parties are currently continuing settlement discussions. +

The parties agree to hold the ADR session by:

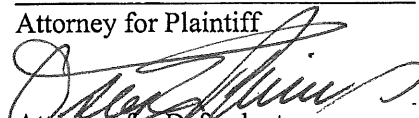
the presumptive deadline *(The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.)*

other requested deadline Private mediation completed

Dated: 1/14/10

/s/ Hank Willson  
Attorney for Plaintiff

Dated: 1/14/10

  
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

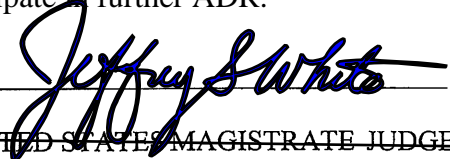
Deadline for ADR session

90 days from the date of this order.

✓ other Mediation completed

IT IS SO ORDERED. If the parties are unable to settle the matter, the Court reserves the right to require the parties to participate in further ADR.

Dated: January 15, 2010

  
\_\_\_\_\_  
~~UNITED STATES MAGISTRATE JUDGE~~  
UNITED STATES DISTRICT JUDGE

**PROOF OF SERVICE**

***Ozga v. U.S. Remodelers, Inc., et al., Case No. 3:09-cv-05112 JSW***

I am employed in the County of San Francisco; I am over the age of eighteen years and not a party to the within entitled action; my business address is 180 Montgomery Street, Suite 2000, San Francisco, CA 94104.

On January 14, 2010, I served the following document(s) described as:

- **STIPULATION AND [PROPOSED] ORDER SELECTING ADR PROCESS**

**BY U.S. MAIL:** I served the said document(s) on the interested parties by placing true copies thereof enclosed in sealed envelopes and /or packages with the postage thereon fully prepaid to the person(s) at the address(es) set forth below. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. Postal Service on that same day with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Alfred J. Landegger  
Michael S. Lavenant  
Landegger, Baron, Lavenant & Ingber  
5760 Ventura Blvd., Suite 1200  
Encino, CA 91436

I declare under penalty of perjury under the laws of the State of California and of the United States of America that the foregoing is true and correct. Executed on January 14, 2010, at San Francisco, California.

  
Cathy Vittoria