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16 **UNITED STATES DISTRICT COURT**
 17 **NORTHERN DISTRICT OF CALIFORNIA**
 18 **SAN FRANCISCO DIVISION**

19 DAVID M. CATHCART, JAMES H.
 WHITEHEAD, ROBERT W. DECKER, DALE
 20 BALDISSERI, individually, and on behalf of all
 others similarly situated,

21 Plaintiff,

22 v.

23 SARA LEE CORPORATION, SARA LEE
 24 BAKERY GROUP, EARTHGRAINS BAKING
 COMPANIES, INC. (formerly sued as DOE 1)
 25 and DOES 2 through 20,

26 Defendants.

Case No. CV 09-5748 MMC

**STIPULATION TO REMOVE CASE
 FROM COURT'S ADR PROGRAM,
 REFER TO PRIVATE ADR**

~~PROPOSED~~ ORDER

The Honorable Maxine M. Chesney

1 The parties stipulate as set forth in the numbered paragraph below, based on the
2 following facts:

3 A. The Parties have agreed to private mediation before mediator Jeffrey Krivis. It is
4 schedule for March 22, 2012 in San Francisco.

5 B. On January 5, 2012, at the request of an administrator with the Court's ADR
6 program, the parties had a telephone conference with the administrator. He explained
7 that because of the private mediation, the mediation program needs a stipulation and
8 an order from the Court that the case be removed from the Court's ADR program and
9 referred to private mediation.

10 //

11 WHEREFORE, THE PARTIES STIPULATE and request as follows:

12 1. That the Court order that this case be removed from the Court's ADR program and
13 referred to private mediation.

14
15 DATED: January 17, 2012

MORGAN, LEWIS & BOCKIUS LLP

16
17 BY: /s/ John Battenfeld
John Battenfeld

18 Attorneys for Defendants Sara Lee Bakery
Group and Earthgrains Baking Companies, Inc.

19
20 DATED: January 17, 2012

MAYER BROWN LLP
JOHN NADOLENCO

21
22 BY: /s/ John Nadolenco
Attorneys for Defendant Sara Lee Corporation

23
24 DATED: January 17, 2012

SPIRO MOSS LLP


25
26 BY: /s/ Ira Spiro
Attorneys for Plaintiffs

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~~PROPOSED~~ ORDER

IT IS HEREBY ORDERED that this case is removed from the Court's ADR program and referred to private mediation.

DATED: January 19, 2012


MAXINE M. CHESNEY
United States District Judge