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17 Attorneys for Plaintiff

19 **UNITED STATES DISTRICT COURT**
 20 **NORTHERN DISTRICT OF CALIFORNIA**

21 DANIEL WOLF,
 22
 Plaintiff,
 23
 v.
 24 SONY COMPUTER ENTERTAINMENT
 AMERICA LLC, SQUARE ENIX OF
 25 AMERICA HOLDINGS, INC., and
 26 SQUARE ENIX, INC.,
 27
 Defendants.

Case No. CV-10-2436-JSW

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

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

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

4 **Court Processes:**

5 _____ Non-binding Arbitration (ADR L.R. 4)

6 _____ Early Neutral Evaluation (ENE)

7 _____ Mediation (ADR L.R. 6)

8 *(Note: Parties who believe that an early settlement conference with a Magistrate Judge is*
9 *appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR*
10 *phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone*
11 *Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)*

12 **Private Process:**

13 X Private ADR *(please identify process and provider)* To be determined if the
14 parties are unable to resolve the matter within 30 days, pursuant to ongoing constructive settlement
15 talks.

16 The parties agree to hold the ADR session by:

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

19 X Other requested deadline: To be determined if the parties are unable to reach final
20 resolution of this matter on or before November 10, 2010. The order referring the case to an ADR
21 process was issued on June 2, 2010. Since that time, the parties have engaged in constructive
22 settlement talks, and believe that they can reach resolution of this matter within 30 days. Pursuant to
23 the ongoing settlement discussions, the parties have agreed to defer the deadline for the response of
24 Sony Computer Entertainment America LLC, Square Enix of America Holdings, Inc., and Square
25 Enix, Inc. until November 10, 2010; approximately 30 days from the currently scheduled date of
26 October 11, 2010. The parties request a similar extension from the 90 day presumptive deadline. If
27
28

1 the parties have not reached resolution of this matter by November 10, 2010, they will file a revised
2 Stipulation Selecting ADR Process, setting a date, process and provider for private mediation ADR.

3
4 DATED: October 12, 2010

K&L GATES LLP

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6 By: /s/ Mikal J. Condon

Matthew G. Ball
Karineh Khachatourian
Mikal J. Condon

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8 Attorneys for Defendant
9 SONY COMPUTER ENTERTAINMENT
10 AMERICA LLC, SQUARE ENIX OF
11 AMERICA HOLDINGS, INC., and SQUARE
ENIX, INC.

12 DATED: October 12, 2010

LIEFF, CABRASER, HEIMANN &
BERNSTEIN, LLP

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14 By: /s/ Kristen Law Sagafi

Jonathan D. Selbin
Kristen Law Sagafi

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16 Attorneys for Plaintiff

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18 I, Mikal J. Condon, attest that concurrence in e-filing this Stipulation and Proposed Order
19 Selecting ADR Process has been obtained from signatory Kristen Law Sagafi.

20 Dated: October 12, 2010

Respectfully submitted,

21 By: /s/Mikal J. Condon

Mikal J. Condon

[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: TBD if the parties are not able to resolve this matter on or before November 10, 2010.

IT IS SO ORDERED.

Dated: October 15, 2010



Hon. Jeffrey S. White, District Court Judge