

1 THOMAS P. BROWN (SB# 182916)
 tombrown@paulhastings.com
 2 SAMUEL C. ZUN (SB# 264930)
 samuelzun@paulhastings.com
 3 PAUL HASTINGS LLP
 55 Second Street
 4 Twenty-Fourth Floor
 San Francisco, CA 94105-3441
 5 Telephone: 1 (415) 856-7000
 Facsimile: 1 (415) 856-7100

6 Attorneys for Defendants
 7 eBay Inc. and PayPal, Inc.

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

12 CHARLOTTE SMITH, et al.,

13 Plaintiffs,

14 vs.

15 EBAY CORP., et al.,

16 Defendants.
 17

CASE NO. C-10-03825-JSW

**ADR STIPULATION AND ~~PROPOSED~~
 ORDER**

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

20 As the parties stated in the Joint Case Management Statement:

21 The parties have conferred concerning the likelihood of settlement.
 22 There have been no settlement negotiations thus far, and none are
 23 planned at this time. Both counsel for Plaintiff and Defendants are
 24 experienced in class actions. Should the parties elect to engage in
 settlement discussions, the parties are familiar with appropriate
 private mediators.

25 Joint CMC Stmt., at § 12.

26 The parties agree that ADR is unlikely to be productive at this time, but preliminarily
 27 agree that mediation is preferable to other forms of ADR for this case. Should ADR become
 28

STIPULATION SELECTING ADR PROCESS

Case No. C-10-03825-JSW

1 necessary, the parties agree to meet and confer to identify a private mediator acceptable to both
 2 parties.

3
 4 DATED: July 2, 2012

THOMAS P. BROWN
 SAMUEL C. ZUN
 PAUL HASTINGS LLP

5
 6
 7 By: /s/ Thomas P. Brown

THOMAS P. BROWN

8 Attorneys for Defendants
 eBay Inc. and PayPal, Inc.

9
 10 DATED: July 2, 2012

PETER W. MACUGA II
 MACUGA, LIDDLE, & DUBIN P.C.

11
 12 By: /s/ Peter W. Macuga II

PETER W. MACUGA II

13
 14 Attorneys for Plaintiffs

15 **IT IS SO ORDERED: The Court advises the parties that it will expect them to go through
 16 some form of an ADR process during the pendency of this litigation.**

17 Dated: July 2, 2012

Jeffrey S. White
 18 Hon. Jeffrey S. White
 United States District Judge

19
 20 I, Thomas P. Brown, am the ECF User whose ID and password are being used to file this ADR
 21 Stipulation and [Proposed] Order. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that
 22 Peter W. Macuga II has concurred in this filing.
 23
 24
 25
 26
 27
 28