

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Bertoli et al.

Plaintiff(s),

CASE NO.: 3:11-cv-03432-TEH

v.

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

Wachovia Corporation, FSB

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) provided that Wells Fargo's representative (who resides and works outside of California) may participate telephonically.

(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 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 the later of 90 days after the case is at issue or April 30, 2012

Dated: Oct. 17, 2011

/s/ Scott A. Lewis  
Attorney for Plaintiff

Dated: Oct. 17, 2011

/s/ Leigh O. Curran  
Attorney for Defendant Wachovia  
Mortgage, a div. of Wells Fargo Bank,  
N.A., etc. (erroneously sued as  
"Wachovia Corporation, FSB")

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 the later of 90 days after the case is at issue or April 30, 2012.

IT IS SO ORDERED.

Dated: 10/18/2011

