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9 Attorneys for Plaintiffs

10 UNITED STATES DISTRICT COURT

11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 SAN FRANCISCO CULINARY, BARTENDERS AND
 13 SERVICE EMPLOYEES WELFARE FUND, SAN
 14 FRANCISCO CULINARY, BARTENDERS AND
 15 SERVICE EMPLOYEES PENSION FUND, SAN
 16 FRANCISCO CULINARY, BARTENDERS AND
 17 SERVICE EMPLOYEES LEGAL SERVICES FUND,
 18 SAN FRANCISCO HOTEL-RESTAURANT LABOR
 19 MANAGEMENT EDUCATION FUND; MICHAEL
 20 CASEY, DOUGLAS CORNFORD, IAN LEWIS,
 21 LAMOIN WERLEIN-JAEN, KIM WIRSHING, ROBERT
 22 BERGER, BRUCE R. BAILEY, DEAN LEHR, and
 23 MARIANA WONG in their capacity as trustees of the
 24 FUNDS,

25 Plaintiffs,

26 v.

27 SMG FOOD AND BEVERAGE, LLC, a Pennsylvania
 28 limited liability company, and DOES ONE through
 TWENTY, inclusive.

Defendants

Case No.3:11-cv-03798-EDL

STIPULATION AND
~~PROPOSED~~ ORDER
SELECTING ADR PROCESS

LEONARD CARDER, LLP
 ATTORNEYS
 1188 FRANKLIN STREET, SUITE 201
 SAN FRANCISCO, CALIFORNIA 94109
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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:

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- 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:

XX Private ADR (please identify process and provider) The parties have agreed to select a neutral provider by no later than November 8, 2011.

The parties agree to hold the ADR session by:

- XX 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 _____

Dated: 10/19/2011

/s/ Christine S. Hwang
Christine S. Hwang
Attorney for Plaintiffs

Dated: 10/19/2011

/s/ Lisa van Krieken
Lisa van Krieken
Attorney for Defendant

~~PROPOSED~~ ORDER

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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 _____

IT IS SO ORDERED.

Dated: October 20, 2011

Elizabeth D. Laporte
UNITED STATES MAGISTRATE JUDGE

LEONARD CORDER, LLP
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