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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PACATTE CONSTRUCTION CO,

No. C 12-01472 JSW

Plaintiff,

**ORDER DISCHARGING ORDER  
TO SHOW CAUSE AND  
DIRECTING PARTIES TO  
SCHEDULE ADR PHONE  
CONFERENCE**

v.

AMCO INSURANCE CO., et al.,

Defendants.

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On August 31, 2012, this Court issued an Order directing the parties to file a further stipulation regarding whether they intended to participate in private or court-sponsored mediation. That stipulation was due by September 7, 2012. On September 7, 2012, Defendants filed a further stipulation requesting a referral to the Court's ADR program. Defendants represented that Plaintiff had not responded to their request to meet and confer on this issue.

On September 26, 2012, the Court issued an Order to Show Cause to Plaintiff to show why the Court should not refer this matter to the Court's ADR program *and* is to show cause why sanctions in the amount of \$250.00 should not be imposed for failing to comply with the Court's deadline.

On October 3, 2012, Plaintiff filed a "stipulation" regarding ADR, in which it states that it prefers to participate in private mediation, has provided Defendants with names of mediators, but that it has not heard back from Defendants. Plaintiff has also submitted a declaration regarding the failure to comply with the Court's deadline. Based on that declaration, the Court DISCHARGES the Order to Show Cause without imposing sanctions.

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The Court FURTHER ORDERS that the parties shall request an ADR conference call with this Court’s ADR Department regarding their impasse over whether mediation shall be private or through the Court’s ADR program.

Finally, the Court notes that, in the future, no “stipulations” shall be filed with the Court unless they are submitted on behalf of *all* parties to this litigation.

**IT IS SO ORDERED.**

Dated: October 4, 2012

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

cc: ADR Department