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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

RUDOLPH RUSSELL,

No. C 12-01522 JSW

Plaintiff,

v.

SIGN PICTORIAL DISPLAY INDUSTRY
PENSION PLAN,

Defendant.

**ORDER VACATING HEARING
ON MOTIONS FOR SUMMARY
JUDGMENT, CONTINUING CASE
MANAGEMENT CONFERENCE,
AND REQUIRING PARTIES TO
SUBMIT STIPULATION AND
PROPOSED ORDER
REGARDING ADR PROCESS**

This matter is scheduled for a hearing, on January 25, 2013, to consider the parties' cross-motions for summary judgment. It is evident from the parties' papers that, although a ruling on the motion may impact the parties' conduct going forward, the focus of the dispute centers on benefits Plaintiff accrued between 1995 and 1999. It does not appear that the parties have engaged in an ADR process, although they stated in a joint case management statement, filed in July 2012, that they were willing to participate in mediation. (Docket No. 14.)

The Court finds that the motions are suitable for disposition without oral argument, and it VACATES the hearing. *See* N.D. Civ. L.R. 7-1(b). The Court shall issue a written order *after* the parties have completed an ADR procedure. Accordingly, the Court also CONTINUES the case management conference scheduled for February 1, 2013 to May 10, 2013. The parties shall submit a further case management statement on May 3, 2013.

The Court HEREBY ORDERS the parties to submit a stipulation and proposed order selecting an ADR process by no later than January 29, 2013. The deadline to complete this

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ADR process shall be April 26, 2013. If the parties are unable to resolve their dispute by mediation, the Court shall issue its ruling on the cross-motions for summary judgment.

IT IS SO ORDERED.

Dated: January 22, 2013



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE