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11 Attorneys for Plaintiff
APHENA PHARMA SOLUTIONS –
 12 **MARYLAND, LLC**

13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**
 15 **SAN FRANCISCO DIVISION**

16 APHENA PHARMA SOLUTIONS -
 MARYLAND, LLC,
 17
 Plaintiff,
 18
 v.
 19
 20 BIOZONE LABORATORIES, INC., et al.,
 21
 Defendants.
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Case No.: 3:12-cv-06292 SC
 Honorable Samuel Conti
STIPULATION AND [~~PROPOSED~~]
ORDER SELECTING ADR
PROCESS PURSUANT TO CIVIL
L.R. 16-8 and ADR L.R. 3-5

1 **TO THE HONORABLE SAMUEL CONTI:**

2 Counsel report that they have met and conferred regarding ADR and have
3 reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

4 The parties agree to participate in the following ADR process:

5 **Court Processes:**

6 _____ Non-binding Arbitration (ADR L.R. 4)

7 _____ Early Neutral Evaluation (ENE) (ADR L.R. 5)

8 _____ Mediation (ADR L.R. 6)

9 *(Note: Parties who believe that an early settlement conference with a*
10 *Magistrate Judge is appreciably more likely to meet their needs than any other form*
11 *of ADR, must participate in an ADR phone conference and may not file this form.*
12 *They must instead file a Notice of Need for ADR Phone Conference. See Civil Local*
13 *Rule 16-8 and ADR L.R. 3-5.)*

14 **Private Process:**

15 X Private ADR (please identify process and provider)

16 The parties have agreed in principle to appear before a private mediator, but
17 have not yet agreed on a particular mediator. The parties are continuing to work
18 together to finalize their agreement and to identify a mediator with availability and the
19 requisite experience.

20 **The parties agree to hold the ADR session by:**

21 X the presumptive deadline (*The deadline is 90 days from the*
22 *date of the order referring the case to an ADR process unless otherwise ordered.*)

23 _____ other requested deadline of _____, 2013.

1 Respectfully submitted,

2

3 DATED: March 1, 2013

ANDREW BENJAMIN KAY
KELLEY CONNOLLY BARNABY
ADRIENE PLESCIA LYNCH
ALSTON & BIRD LLP

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/s/ Adriene Plescia Lynch
Adriene Plescia Lynch

7

8

Attorney for Plaintiff
Aphena Pharma Solutions-Maryland, LLC

9

10 DATED: March 1, 2013

RICHARD WILLIAMS
GRAY DUFFY, LLP

11

12

/s/ Richard Williams
Richard Williams

13

14

Attorney for Defendant Daniel Fisher

15

16 DATED: March 1, 2013

ROBERT WALLACE
**WILSON ELSER MOSKOWITZ EDELMAN &
DICKER LLP**

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/s/ Robert Wallace
Robert Wallace

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Attorney for Defendants BioZone Laboratories, Inc.
and BioZone Pharmaceuticals, Inc.

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22

[~~PROPOSED~~] ORDER

23

 X The parties' stipulation is adopted and IT IS SO ORDERED.

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 The parties' stipulation is modified as follows, and IT IS SO ORDERED.

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27 DATED: 03/04/2013



SAMUEL CONTI
Judge Samuel Conti

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