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6 Attorneys for Individual and Representative
 7 Plaintiff RORY ARMSTRONG

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10 RORY ARMSTRONG, on behalf of himself
 11 and all others similarly situated,
 12 Plaintiff,

13 v.

14 BAUER'S INTELLIGENT
 TRANSPORTATION, INC.; and DOES 1-50,
 15 Defendants.

Civil Case No.: 3:13-cv-02691-MMC

Removed from Superior Court of the State of
 California, County of San Francisco
 Civil Case No.: CGC-13-530147

CLASS ACTION

**STIPULATION REGARDING
 CONVERSION OF ADR TO PRIVATE
 MEDIATION WITH MARK S. RUDY TO
 OCCUR ON JANUARY 21, 2015 AND
~~PROPOSED~~ ORDER**

Complaint Filed: March 29, 2013

First Amended Complaint Filed:
 May 13, 2013

(N.D. Cal. Civ. L.R. 6-1(b)
 Complaint Filed: March 29, 2013

First Amended Complaint Filed:
 May 13, 2013

(N.D. Cal. Civ. L.R. 6-1(b)

26 Pursuant to Northern District of California Civil Local Rule 6-1(b), Plaintiff Rory
 27 Armstrong and Defendant Bauer's Intelligent Transportation, Inc. through their respective
 28 counsel of record hereby stipulate as follows:

1 WHEREAS, on December 20, 2013, the Court ordered ADR to occur in the form of
2 “Early Neutral Evaluation and Mediation” (per Docket No. 23);

3 WHEREAS, through ongoing negotiations and early settlement discussions the parties
4 concluded that an ADR session comprising only Mediation would better facilitate potential
5 early resolution of the parties’ disputes;

6 WHEREAS, the parties communicated with the Court-appointed neutral, Mr. Richard
7 Whitmore, regarding conversion of the scheduled ADR session to a Mediation and Mr.
8 Whitmore supported the requested conversion;

9 WHEREAS, on January 23, 2014, pursuant to the parties’ stipulation, the Court
10 ordered that the parties’ ADR be converted from an “Early Neutral Evaluation and Mediation”
11 to a Mediation (Docket No. 25);

12 WHEREAS, after a mediation session with Mr. Whitmore on February 6, 2014 and
13 after multiple subsequent communications with counsel for the parties, a conference call with
14 Mr. Whitmore to discuss the status of mediation was scheduled for August 22, 2014 at 9:30
15 AM, however, in response to an e-mail from Plaintiff’s counsel, Mr. Whitmore e-mailed all
16 counsel on August 14, 2014: “Under the circumstances, I think we need to take the
17 conference call off calendar. Please let me know when you would like to reschedule. Please
18 keep in mind that October 31 is the last date to conduct the mediation and that date was set
19 after the Court granted an earlier stipulated request for extension.”;

20 WHEREAS, on September 18, 2014, the parties agreed to a full day of mediation with
21 Mark S. Rudy of Rudy, Exelrod, Zieff & Lowe, LLP on January 21, 2015;

22 WHEREAS, on September 22, 2014, Claudia M. Forehand, ADR Program Case
23 Administrator, stated by e-mail to the parties: “Please include a request for removal from
24 court-sponsored mediation and referral to private mediation with Mark Rudy in your
25 stipulation and proposed order requesting additional time for the mediation process.”;

26 WHEREAS, by letter dated September 23, 2014, Mr. Rudy confirmed scheduling of
27 the matter for mediation on January 21, 2015;

28 THEREFORE, the parties hereby stipulate as follows and request that the Court enter

1 the Proposed Order below:

- 2 1. The parties be removed from Court-sponsored mediation and be referred to private
- 3 mediation with Mark S. Rudy of Rudy, Exelrod, Zieff & Lowe, LLP;
- 4 2. The deadline for private mediation with Mark S. Rudy of Rudy, Exelrod, Zieff &
- 5 Lowe, LLP be set for January 21, 2015

6 Dated: September 29, 2014 LITTLER MENDELSON, P.C.
 7 /s/ Robert G. Hulteng
 8 ROBERT G. HULTENG, SBN 071293
 9 AURELIO J. PEREZ, SBN 282135
 Attorneys for Defendant

10 Dated: September 29, 2014 THE TIDRICK LAW FIRM
 11 /s/ Steven G. Tidrick
 12 STEVEN G. TIDRICK, SBN 224760
 Attorneys for Plaintiffs

13
14 **[PROPOSED] ORDER**

15 The Parties having stipulated to the foregoing, IT IS SO ORDERED.

16
 17 Dated: September 30, 2014 
 18 HOJ. MAXINE M. CHESNEY
 19 JUDGE OF THE UNITED STATES DISTRICT
 20 COURT