

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

NOIRIN PLUNKETT,

Plaintiff,

v.

EUCALYPTUS SYSTEMS, INC., a  
corporation; and DOES 1 through 20,  
inclusive,

Defendants.

Case No. 3:15-cv-00186-TEH

**STIPULATION REGARDING STAYING  
ACTION AND PROCEEDING WITH  
BINDING ARBITRATION; AND  
~~PROPOSED~~ ORDER THEREON**

**ORDER**

IT IS HEREBY ORDERED THAT:

1. The Parties shall submit for binding arbitration the claims asserted by Plaintiff against Defendant in the Complaint in this Action.
2. The arbitration shall take place in San Francisco, and the arbitrator shall be Judge Raul Ramirez (ret.) of ADR Services.
3. The arbitration shall commence by the submission of this Stipulation and Order with ADR Services upon entry of an Order on this Stipulation.
4. The arbitrator will have the authority to award any remedy that would have been available to Plaintiff or Defendant had the dispute been decided in court under California law.
5. The decision of the arbitrator shall be binding except as to those rights which are or may be reserved to the Parties by operation of law.
6. Pursuant to the Parties' agreement, Defendant will be responsible for the payment of all fees invoiced by ADR services and the arbitrator.
7. Pursuant to the Parties' agreement, if Defendant is the prevailing party in this action, Defendant will not be entitled to seek the recovery of any arbitration fees it incurred. However, the prevailing party in arbitration may seek to recover costs otherwise permitted by

STIPULATION REGARDING STAYING ACTION AND PROCEEDING WITH BINDING ARBITRATION;  
AND ~~PROPOSED~~ ORDER THEREON

1 the Code of Civil Procedure, including costs for deposition transcripts, first appearance costs,  
2 etc.

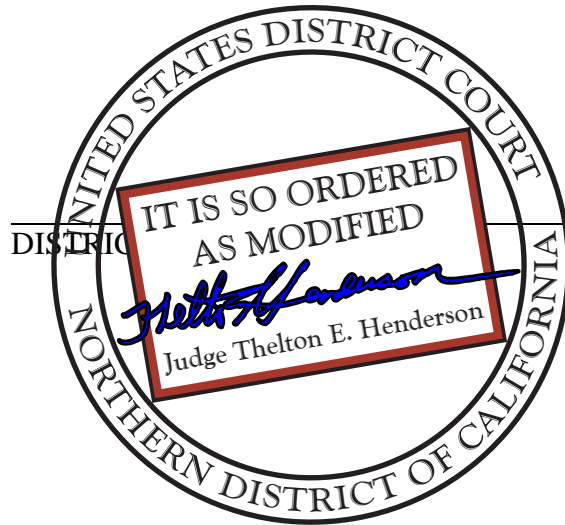
3 8. The arbitration shall be conducted in accordance with ADR Services rules for  
4 employment arbitration and by any order set forth by the arbitrator. For matters not addressed  
5 by said rules and/or order, the arbitration shall be conducted under the California Code of Civil  
6 Procedure to the extent that it can apply to arbitration.

7 9. Pursuant to the Parties' agreement, this Action is stayed in its entirety until the  
8 arbitration is concluded, and this Court will maintain jurisdiction over the Action: (a) to enforce  
9 the terms of this Stipulation; (b) to confirm, vacate, modify or correct the arbitration award  
10 rendered; (c) to lift the stay of this Action; and (d) to make any other orders it deems necessary  
11 and proper.

12 10. The Parties shall file a joint status statement or stipulated dismissal of this case  
13 within one week of completion of the arbitration or by **June 1, 2015**, whichever is sooner.  
14

15 **IT IS SO ORDERED.**

16 DATED: \_\_\_\_\_ 02/25, 2015  
17



18  
19  
20  
21 4836-6702-9794, v. 1  
22  
23  
24  
25  
26  
27  
28