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14 Attorneys for Defendant

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 16 **IN THE UNITED STATES DISTRICT COURT**
 17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 18

19 DANIEL SCHUCHARDT and MICHELLE
 MUGGLI, on behalf of themselves and
 20 others similarly situated,

Case No.: 3:15-cv-01329-JSC

**STIPULATION TO STAY
 MANDATORY EARLY NEUTRAL
 EVALUATION**

21 Plaintiffs,

22 vs.

23 LAW OFFICE OF RORY W. CLARK, A
 24 PROFESSIONAL LAW CORPORATION,

25 Defendant.

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 27 The parties to the above-entitled action hereby stipulate as follows, subject to the Court's
 28 approval:

1 1. On June 11, 2015, pursuant to Civil L.R. 16-8 and ADR L.R. 3-5, the parties
2 stipulated to Early Neutral Evaluation (“ENE”) as the most suitable Alternative Dispute
3 Resolution (“ADR”) process for this matter. See Doc. 19.

4 2. On June 12, 2015, the Court entered its order approving the parties’ stipulation,
5 see Doc. 20 (the “Order”), and on July 24, 2015, the Court issued notice that Peter Califano, Esq.
6 has been assigned to this case as Evaluator. See Doc. 27.

7 3. On July 30, 2015, counsel for the parties held their initial telephonic conference
8 with Mr. Califano to discuss preparation for, and scheduling of, the parties’ ENE session, which
9 is to be held on or before September 10, 2015 pursuant to the Court’s June 12, 2015 Order.

10 4. During the parties’ discussions with Mr. Califano, it was agreed that, in light of
11 Defendant’s impending motion for summary judgment, which is to be filed on or before August
12 20, 2015, see Doc. 25, the mandatory ENE session would be duplicative of Defendant’s motion,
13 and therefore unproductive at this time.

14 5. Accordingly, the parties agree—with Mr. Califano’s support—that the mandatory
15 ENE process and schedule currently in place should be stayed pending resolution of Defendant’s
16 motion for summary judgment. Motion briefing will be concluded by September 10, 2015, and a
17 hearing on Defendant’s motion is currently set for September 17, 2015. The parties further agree
18 that, following the Court’s ruling on Defendant’s summary judgment motion, they should
19 reconvene at a Joint Case Management Conference before the Court to assess which ADR process
20 and schedule best suits this case moving forward.

21 6. The parties have not previously requested any changes to the ADR schedule, and
22 the instant stipulation, if approved, would not otherwise affect the schedule of these proceedings.
23 Indeed, pending resolution of Defendant’s impending motion for summary judgment, discovery
24 is currently stayed until further order of the Court. See Doc. 26.

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1 Date: August 13, 2015

Respectfully submitted,

2 /s/ Aaron D. Radbil
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E-FILER'S ATTESTATION

I obtained the concurrence of Mr. Kumar to file the foregoing.

/s/ Aaron D. Radbil
Aaron D. Radbil

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was file electronically on August 13, 2015, via the Court Clerk's CM/ECF system, which will provide notice to all counsel of record.

/s/ Aaron D. Radbil
Aaron D. Radbil

Dated: August 13, 2015

