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 Stetson University, Inc.
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9 **UNITED STATES DISTRICT COURT**
 10 **NORTHERN DISTRICT OF CALIFORNIA**

11 STETSON UNIVERSITY, INC., a
 Florida not for profit corporation,
 12 Plaintiff,

13 v.

14 FREDERICK G. ACKER, as personal
 representative of the Estate of C. Paul
 Johnson a/k/a Chauncey Paul Johnson;
 15 THE C. PAUL JOHNSON FAMILY
 CHARITABLE FOUNDATION, an
 16 entity of unknown form; and
 FREDERICK G. ACKER, as Trustee of
 17 the C. Paul Johnson 2003 Trust,

18 Defendants,
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CASE NO. C 16-1905-WHA

**STIPULATION AND ~~PROPOSED~~ ORDER
 RESCINDING MEDIATION REFERRAL TO
 MAGISTRATE JUDGE SALLIE KIM AND
 REFERRAL TO USDC ADR PROGRAM FOR
 MEDIATION**

Judge: Hon. William Alsup

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1 WHEREAS the Complaint in the action captioned *Stetson University, Inc. v.*
2 *Frederick G. Acker, et al.*, No. C 16-1905, was filed in this Court on April 11, 2016;

3 WHEREAS this Court issued a Minute Order on August 25, 2016 referring this
4 matter to Magistrate Judge Sallie Kim for mediation but further noted that the parties could file a
5 proposed order to rescind the referral to Judge Kim if they agreed to a mediator;

6 WHEREAS the parties met and conferred and have agreed to four potential
7 mediators participating in the Northern District ADR Program including: U.S. Magistrate Judge
8 Wayne Brazil (ret.); Hon. Rebecca Westerfield (ret.); Richard Collier, Esq; or Paul Renne, Esq.

9 WHEREAS the parties participated in a Telephonic Scheduling Conference with
10 Magistrate Kim on September 8, 2016 at 11 a.m. and indicated a desire to participate in
11 mediation as soon as September 26, 2016 or, more realistically, in early October 2016 before one
12 of the aforementioned agreed-upon mediators;

13 WHEREAS by the Court’s Minute Order of September 8, 2016, Judge Kim
14 agreed to allow the parties to proceed to mediation before one of the agreed-upon court-
15 sponsored ADR program mediators, pending approval of this Court, and ordered the parties to
16 complete mediation by October 23, 2016;

17 WHEREAS Judge Kim further ordered and scheduled a follow-up Telephonic
18 Conference to occur on October 24, 2016 at 9:00 a.m., in the event the parties fail to settle by the
19 October 23, 2016 deadline;

20 WHEREAS the parties contacted the Court’s ADR Program on September 9,
21 2016, indicating the desire to proceed to mediation with one of the four agreed-upon mediators
22 and the Court’s ADR Program staff have informed the parties that they will proceed to assist in
23 scheduling a mediation with one of the four mediators pending an order from this Court referring
24 the matter to the ADR Program.

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THEREFORE, IT IS HEREBY STIPULATED THAT:

1 1. The parties agree to proceed to Mediation before U.S. Magistrate Judge
2 Wayne Brazil (ret.), Hon. Rebecca Westerfield (ret.), Richard Collier, Esq.; or Paul Renne, Esq.
3 no later than October 23, 2016, subject to the assigned mediator's availability, and

4 2. The parties will attend a Telephonic Conference with Magistrate Judge
5 Sallie Kim on October 24, 2016 at 9 a.m. should the parties fail to settle this matter by the
6 October 23, 2016 deadline.

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8 Dated: September 13, 2016

Respectfully submitted,

KEEGIN HARRISON LLC

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10 /s/

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19 *Attorneys for Plaintiff Stetson University, Inc.*

20
21 Dated: September 13, 2016

McDERMOTT WILL & EMERY LLP

22 /s/

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*Attorneys for Defendants Frederick G. Acker,
as personal representative of the Estate of C.
Paul Johnson a/k/a Chauncey Paul Johnson
and Frederick G. Acker, as Trustee for The C.
Paul Johnson 2003 Trust*

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1 **~~PROPOSED~~ ORDER**

2 The above STIPULATION AND ~~PROPOSED~~ ORDER RESCINDING THE
3 REFERRAL FOR MEDIATION TO MAGISTRATE JUDGE SALLIE KIM AND ORDER
4 REFERRING THE MATTER TO THE U.S. DISTRICT COURT OF THE NORTHERN
5 DISTRICT OF CALIFORNIA ADR PROGRAM FOR MEDIATION is APPROVED.

6 1. The court hereby rescinds the August 25, 2016 referral of this matter to
7 Magistrate Judge Sallie Kim for mediation;

8 2. The case is referred to the U.S. District Court for the Northern District of
9 California ADR Program for mediation for assignment to one of the parties' preferred mediators,
10 namely, U.S. Magistrate Judge Wayne Brazil (ret.), Hon. Rebecca Westerfield (ret.), Richard
11 Collier, Esq, or Paul Renne, Esq., with mediation to be held no later than October 23, 2016,
12 subject to the mediator's availability; and

13 3. The parties will appear for a Telephonic Conference with Magistrate
14 Judge Sallie Kim on October 24, 2016 at 9 a.m. should the parties fail to settle this matter by
15 October 23, 2016. If the matter settles, the Parties will immediately inform Judge Kim and this
16 Court.

17 **IT IS SO ORDERED.**

18 Dated: September 19, 2016.

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21 HONORABLE WILLIAM ALSUP
22 UNITED STATES DISTRICT JUDGE
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