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16 UNITED STATES DISTRICT COURT
 17 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 18 SAN FRANCISCO DIVISION
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20 OPHCA, LLC, a California limited liability
 company; CLIFFORD ORLOFF, an
 21 individual; and OLGA ORLOFF, an
 individual,

22 Plaintiffs,

23 vs.

24 THE CITY OF BERKELEY,

25 Defendant.
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Case No. 16-cv-03046-CRB

**STIPULATION AND ORDER
 CONFIRMING PARTIES' SELECTION OF
 JUDGE W. SCOTT SNOWDEN (RET.) TO
 SERVE AS MEDIATOR**

Date: September 2, 2016
 Time: 10:00 a.m.
 Courtroom: 6, 17th Floor

Before the Honorable Charles R. Breyer

1 Plaintiffs OPHCA, LLC, Clifford Orloff and Olga Orloff (“Plaintiffs”) and Defendant City of
2 Berkeley (“Defendant”), by and through their respective attorneys of record, hereby stipulate as
3 follows:

4 1. On August 16, 2016, Plaintiffs and Defendant (collectively, “the parties”) filed a
5 Stipulation and [Proposed] Order Selecting ADR Process (Dkt. 30), in which they selected mediation
6 pursuant to ADR Local Rule 6. By Order dated August 19, 2016 and filed on August 23, 2016 (Dkt.
7 38), the Court ordered the parties to complete mediation pursuant to ADR Local Rule 6 by December
8 31, 2016.

9 2. Thereafter, counsel for the parties met and conferred concerning the selection of a
10 mutually agreeable mediator, and expressed a desire to have a retired judge serve as the mediator in
11 this case. On September 15, 2016, the parties agreed to engage the services of the Honorable W. Scott
12 Snowden (Ret.) of JAMS to serve as mediator, and to participate in mediation before Judge Snowden
13 on November 18, 2016. The parties thereafter each signed the standard JAMS Engagement Agreement
14 formally retaining Judge Snowden to serve as mediator in this matter.

15 3. On September 29, 2016, the ADR Case Administrator of the Court notified counsel for
16 the parties that attorney John F. Barg has been appointed and assigned to serve as the mediator in this
17 case (Dkt. 42).

18 4. By this Stipulation, the parties wish to confirm their preference and selection of Judge
19 Snowden serve as the mediator in this case, and jointly request that the Court enter the [Proposed]
20 Order set forth below approving the selection of Judge Snowden as mediator.

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IT IS SO STIPULATED.

Dated: October 4, 2016

LAW OFFICES OF DAVID W. TROTTER

/s/ David W. Trotter
DAVID W. TROTTER
Attorney for Plaintiffs

Dated: October 4, 2016

** /s/ Savith Iyengar
ZACH COWAN, City Attorney
SAVITH IYENGAR, Deputy City Attorney
Attorneys for Defendant

** Pursuant to Civ. L.R. 5-1(i)(3), the electronic signatory has obtained this signatory's approval.

ORDER

The Court, having duly considered the foregoing Stipulation of the parties seeking to confirm their selection of the Hon. W. Scott Snowden (Ret.) of JAMS to serve as the mediator in this case, and good cause otherwise appearing therefor, hereby ORDERS as follows:

Pursuant to ADR Local Rule 6, the Court hereby confirms the appointment of the Hon. W. Scott Snowden (Ret.) to serve as the mediator in this case. The previous Notice of Appointment of John F. Bard to serve as mediator (Dkt. 42) is VACATED. The parties shall complete mediation by December 31, 2016.

IT IS SO ORDERED.

Dated: October 11, 2016


CHARLES R. BREYER
United States District Judge