

1 Lisa B. Sween (State Bar No. 191155)  
 Spencer J. Davidson (State Bar No. 281169)  
 2 JACKSON LEWIS P.C.  
 50 California Street, 9th Floor  
 3 San Francisco, California 94111-4615  
 Telephone: (415) 394-9400  
 4 Facsimile: (415) 394-9401  
 E-mail: [lisa.sween@jacksonlewis.com](mailto:lisa.sween@jacksonlewis.com)  
 5 E-mail: [spencer.davidson@jacksonlewis.com](mailto:spencer.davidson@jacksonlewis.com)

6 Attorneys for Defendants  
 SANOFI PASTEUR, INC. and  
 7 SANOFI-AVENTIS U.S., LLC

8 UNITED STATE DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

10  
 11 MERCIA PIASECKI,

12  
 13 Plaintiff,

14 vs.

15 SANOFI PASTEUR, INC., a corporation;  
 SANOFI-AVENTIS U.S., LLC, a limited  
 16 liability corporation; and DOES 1-20,

17 Defendants.  
 18

Case No. 3:17-cv-04101-WHA

STIPULATION BY AND BETWEEN  
 PLAINTIFF MERCIA PIASECKI AS  
 WELL AS DEFENDANTS SANOFI  
 PASTEUR, INC. AND SANOFI-AVENTIS  
 U.S., LLC TO ENGAGE IN PRIVATE  
 MEDIATION PRIOR TO A SETTLEMENT  
 CONFERENCE WITH MAGISTRATE  
 JUDGE KANDIS WESTMORE;  
 PROPOSED ORDER THEREON

Complaint Filed: June 20, 2017  
 Removal Filed: July 20, 2017  
 Trial Date: September 24, 2018

19  
 20 TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:

21 PLEASE TAKE NOTICE that Plaintiff MERCIA PIASECKI ("Plaintiff") along with  
 22 Defendants SANOFI PASTEUR, INC. and SANOFI-AVENTIS U.S., LLC ("Defendants,"  
 23 collectively "the Parties") hereby stipulate and agree as follows:

24 WHEREAS on September 25, 2017 the clerk of court served a Notice Setting Telephonic  
 25 Conference, informing the Parties that Magistrate Judge Kandis Westmore had been assigned to  
 26 this matter for settlement purposes, and scheduling a pre-settlement conference telephone call  
 27 with the Parties to take place on November 9, 2017;

28 WHEREAS on November 9, 2017, the Parties appeared through their counsel of record at

1 the pre-settlement conference telephone call with Judge Westmore, informing her of the facts and  
2 posture of the case, as well as the Parties' willingness to engage in alternative dispute resolution  
3 ("ADR");

4 WHEREAS during their November 9<sup>th</sup> conference with Judge Westmore, the Parties  
5 informed the Judge that they had met and conferred pertaining to ADR, and reached an agreement  
6 to engage mediator Jeffrey Ross to conduct a private mediation of this matter in early 2018. The  
7 mediation session has been confirmed with Mr. Ross' office to occur on February 8, 2018;

8 WHEREAS the Parties indicated during their conference with Judge Westmore that they  
9 would prefer to conduct this mediation session in advance of a settlement conference with the  
10 Court, and reconvene with Judge Westmore after the February 2018 mediation with Mr. Ross  
11 should a settlement not be reached;

12 WHEREAS Judge Westmore indicated that she was amenable to this procedure, should  
13 the Court enter an order allowing the Parties to proceed in this manner;

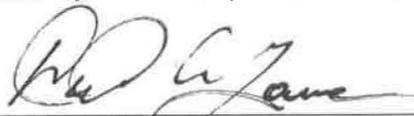
14 IT IS THEREFORE STIPULATED and requested that the Parties be permitted to mediate  
15 with Jeffrey Ross in advance of any settlement conference with Judge Westmore, and that should  
16 the Court be so inclined, a further status conference be set on a date after February 8, 2018 in  
17 order to schedule such settlement conference should the Parties fail to reach a mediated  
18 agreement.

19 IT IS SO STIPULATED.

20 Dated: November 10, 2017

RUDY, EXELROD, ZIEFF & LOWE, LLP

21  
22 By:



23 David A. Lowe  
24 Michelle G. Lee  
25 Attorneys for Plaintiff  
26 MERCIA PIASECKI

27 ///

28 ///

///

1 Dated: November 10, 2017

JACKSON LEWIS P.C.

2  
3 By:

  
\_\_\_\_\_  
Lisa Barnett Sween  
Spencer J. Davidson  
Attorneys for Defendants  
SANOFI AVENTIS U.S., LLC and  
SANOFI PASTEUR, INC.

4  
5  
6 Pursuant to Local Rule 5-1(i), the filing attorney certifies that this Stipulation is filed with  
7 the consent and concurrence of all signatories identified above.  
8

9  
10 **PROPOSED ORDER**

11 PURSUANT TO STIPULATION, IT IS SO ORDERED. The Parties shall be permitted  
12 to engage in private mediation prior to any settlement conference.  
13

14 It is further ordered: \_\_\_\_\_  
15 \_\_\_\_\_

16  
17  
18 Dated: December 6, 2017.

By:

  
\_\_\_\_\_  
JUDGE OF THE UNITED STATES DISTRICT  
COURT-NORTHERN DISTRICT OF CALIFORNIA

19  
20  
21  
22  
23 4833-8572-0660, v. 1  
24  
25  
26  
27  
28