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 13 B.P. Informatics, LLC

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 OAKLAND DIVISION

17 GEOFFREY BAKER and ELIZABETH
 18 MULLEN,
 19 Plaintiffs,
 20 v.
 21 ARKANSAS BLUE CROSS AND BLUE
 22 SHIELD, BLUE CROSS AND BLUE SHIELD
 23 OF FLORIDA, INC., BLUE CROSS AND
 24 BLUE SHIELD OF MASSACHUSETTS, INC.,
 25 BLUE CROSS AND BLUE SHIELD OF
 26 NORTH CAROLINA, HEALTH CARE
 27 SERVICES CORPORATION, B.P.
 28 INFORMATICS LLC, MICHAEL BROWN,
 PETER GOLDBACH, MICHAEL NEWMAN,
 BRETT PAINCHAUD, LAURA TUMPERI, and
 CHRISTOPHER WOODFIN,
 Defendants.

29 B.P. INFORMATICS, LLC
 30 Counterclaimant,
 31 v.
 32 GEOFFREY BAKER and ELIZABETH
 33 MULLEN,
 34 Counterclaim-defendants.

Master File No. C-08-3974 SBA (EDL)

**STIPULATION AND ORDER RE
 SETTLEMENT CONFERENCE**

Before: Hon. Sandra B. Armstrong

1 WHEREAS, this court has ordered mediation to take place within 60 days of the
2 resolution of the motions to dismiss filed by Defendants in this matter;

3 WHEREAS, the parties had been referred by the Court’s ADR Office for mediation
4 before Mr. Paul Renne;

5 WHEREAS, on July 31, 2009, this Court entered an order granting in part and denying in
6 part Defendants’ Motions to Dismiss;

7 WHEREAS, this Court’s July 31, 2009 order dismissed the claims against all defendants
8 except B.P. Informatics, LLC (“BPI”);

9 WHEREAS, given the particular circumstance of this case, Plaintiffs and BPI believe that
10 a resolution is more likely to be achieved through a settlement conference before a Magistrate
11 Judge, rather than mediation before a private neutral;

12 WHEREAS, Plaintiffs and BPI have met and conferred and agreed to a settlement
13 conference to be conducted before Magistrate Judge Edward Chen in order to attempt to resolve
14 the dispute between them;

15 WHEREAS, Plaintiffs and BPI request that the Court enter an order referring this matter
16 to Magistrate Judge Chen solely for the purposes of conducting a settlement conference;

17 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs and BPI
18 through their respective counsel, subject to the Court’s approval, that:

19 The mediation previously ordered to take place before Mr. Renne should be cancelled,
20 and this case should be referred to Magistrate Judge Chen solely for the purpose of conducting a
21 settlement conference.

22 SO STIPULATED AND AGREED.

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Dated: August 20, 2009

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: /s/
Ignacio E. Salceda

Attorneys for Defendant and Counterclaimant
B.P. Informatics, LLC

Dated: August 20, 2009

BOIES, SCHILLER & FLEXNER LLP

By: /s/
David W. Shapiro
Kieran P. Ringgenberg
Beko O. Reblitz-Richardson

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Attorneys for Plaintiffs and Counterclaim
Defendants Geoffrey Baker and Elizabeth
Mullen

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ATTESTATION OF FILER

I, Freeda Yllana Lugo am the ECF User whose identification and password are being used to file this STIPULATION AND [PROPOSED] ORDER REGARDING SETTLEMENT CONFERENCE. In compliance with General Order No. 45.X.B, I hereby attest that Ignacio Salceda and Kieran P. Ringgenberg have concurred in this filing.

Dated: August 20, 2009

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: /s/ _____
Freeda Yllana Lugo

Attorneys for Defendant and Counterclaimant
B.P. Informatics, LLC

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ORDER

Pursuant to the foregoing stipulation, and good cause appearing, IT IS HEREBY ORDERED that:

The mediation previously ordered to take place before Mr. Renne is cancelled and this case is referred to Magistrate Judge Chen solely for the purposes of conducting a settlement conference.

Dated: 8/25/09



The Honorable Judge Sandra B. Armstrong
UNITED STATES DISTRICT JUDGE