

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES SELVITELLA,

CASE NO. C-08-04388 CW

Plaintiff(s),

v.

STIPULATION AND ~~[PROPOSED]~~
ORDER SELECTING ADR PROCESS

CITY OF SOUTH SAN FRANCISCO, et al.,

Defendant(s).
_____ /

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

Court Processes:

- Non-binding Arbitration (ADR L.R. 4)
- Early Neutral Evaluation (ENE) (ADR L.R. 5)
- Mediation (ADR L.R. 6)

(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)

Private Process:

Private ADR (please identify process and provider) _____

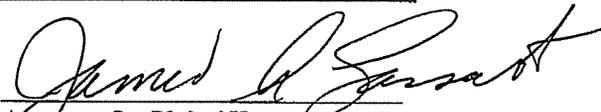
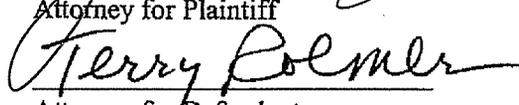
The parties agree to hold the ADR session by:

- the presumptive deadline *(The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.)*

other requested deadline _____

Dated: 12/2/08

Dated: 12/2/08


Attorney for Plaintiff

Attorney for Defendant

When filing this document in ECF, please be sure to use the appropriate ADR Docket Event, e.g., "Stipulation and Proposed Order Selecting Early Neutral Evaluation."

~~{PROPOSED}~~ ORDER

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

- Non-binding Arbitration
- Early Neutral Evaluation (ENE)
- Mediation
- Private ADR

Deadline for ADR session

- 90 days from the date of this order.
- other

IT IS SO ORDERED.

12/5/08

Dated: _____



DISTRICT
UNITED STATES MAGISTRATE JUDGE

1 **CASE NAME: JAMES SELVITELLA v. CITY OF SOUTH SAN FRANCISCO,**
2 **CALIFORNIA, et al.**

3 **ACTION NO.: UNITED STATES DISTRICT COURT, NORTHERN DISTRICT**
4 **NO. C 08-04388 CW**

5 **PROOF OF SERVICE**

6 **METHOD OF SERVICE**

- 7 First Class Mail Facsimile Messenger Service
8 Overnight Delivery E-Mail/Electronic Delivery

- 9 1. At the time of service I was over 18 years of age and not a party to this action and a Citizen of
10 the United States.
11 2. My business address is 201 Spear Street, Suite 1000, San Francisco, CA 94105-1667.
12 3. On December 2, 2008 I served the following documents:

13 **DEMAND FOR JURY TRIAL**

14 4. I served the documents on the persons at the address below (along with their fax numbers
15 and/or email addresses if service was by fax or email):

16 Mary Theresa Roemer, Esq.
17 Jesse J. Lad, Esq.
18 Kimberly E. Colwell, Esq.
19 MEYERS NAVE RIBACK SILVER & WILSON
20 555 12th Street, Suite 1500
21 Oakland, CA 94607
22 Telephone: (510) 808-2000
23 Fax: (510) 444-1108
24 Email: troemer@meyersnave.com
25 jlad@meyersnave.com
26 kcolwell@meyersnave.com

27 *Attorneys for Defendants/Respondents*

28 United States District Court
Northern District of California
ADR Program
450 Golden Gate Avenue, 16th Fl
San Francisco, CA 94102

5. I served the documents by the following means:
a. By United States mail: I enclosed the documents in a sealed envelope or package
addressed to the persons at the addresses specified in item 4 and placed the envelope for
collection and mailing, following our ordinary business practices. I am readily familiar with this
business's practice for collecting and processing correspondence for mailing. On the same day

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that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

b. By overnight delivery: I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses in item 4. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

c. By messenger: I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed in item 4 and providing them to a messenger for service. (Separate declaration of personal service to be provided by the messenger.)

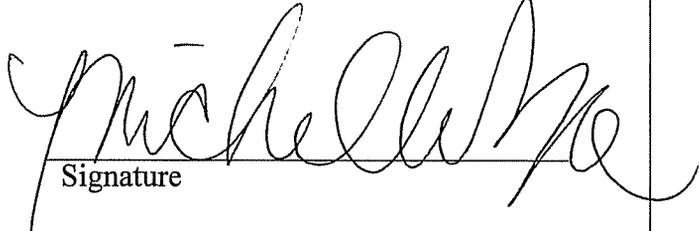
d. By fax transmission: Based on an agreement between the parties and in conformance with Fed. Rules Civ. Proc. rule 5, and/or as a courtesy, I faxed the documents to the persons at the fax numbers listed in item 4. (Separate Proof of Transmission by Fax to be provided.)

e. By email or electronic transmission: Based on an agreement between the parties and/or as a courtesy, I sent the documents to the persons at the email addresses listed in item 4. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I am employed in the office of a member of the bar of this court at whose direction the service was made. I certify under penalty of perjury that the foregoing is true and correct.

Date: December 2, 2008

Michelle S. Yee
Type Name


Signature