

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HARLAN IVES and SHELLEY MARDER,

CASE NO. CV 08-05276 SBA

Plaintiff(s),

v.

STIPULATION AND ~~PROPOSED~~
ORDER SELECTING ADR PROCESS

KEMPER INDEPENDENCE INSURANCE
COMPANY, 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) Mediation with a private

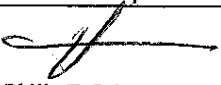
neutral who is selected by agreement of the parties, from a provider such as JAMS or ADR Services. The parties request a deadline of 120-150 days, so that significant discovery may first be completed.

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 120-150 days from the date of this stipulation and order.

Dated: Feb. 6, 2009


Philip T. Prince

Attorney for Plaintiff

Dated: Feb. 6, 2009


Jamison R. Narbaiz

Attorney for Defendant

~~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 120-150 days

IT IS SO ORDERED.

Dated: 2/9/09

Saundra B. Armstrong
 SAUNDRA B. ARMSTRONG
 UNITED STATES DISTRICT JUDGE