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13 Attorneys for Defendant  
 14 INTERNATIONAL BUSINESS  
 MACHINES CORPORATION

16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA  
 18 OAKLAND DIVISION

20 ROBERT MAYBERRY,

21 Plaintiff,

22 vs.

23 INTERNATIONAL BUSINESS  
 24 MACHINES CORPORATION,

25 Defendant.

Case No. CV-09-1369-CW

**STIPULATION AND [ORDER  
 SELECTING ADR PROCESS**

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

3 The parties agree to participate in the following ADR process:

4 **Court Processes:**

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

8 **Private Process:**

- 9  Private ADR (*please identify process and provider*) **Private mediation**  
10 **before a mediator agreed to by the parties.**

11 The parties agree to hold the ADR session by:

- 12  the presumptive deadline (*The deadline is 90 days from the date of the*  
13 *order referring the case to an ADR process unless otherwise ordered.*)  
14  other requested deadline **Within 60 days from the date upon which both**  
15 **parties have completed at least one deposition.**

16 DATED: July \_\_\_\_, 2009

17 DUCKWORTH PETERS LEBOWITZ LLP

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19 \_\_\_\_\_  
20 THOMAS E. DUCKWORTH

21 Counsel for Plaintiff

22 Robert  
23 Mayberry

24 Dated: July \_\_\_\_, 2009

25 PAUL, HASTINGS, JANOFSKY & WALKER LLP  
26 E. JEFFREY GRUBE  
27 JEFFREY P. MICHALOWSKI  
28 JENNIFER Y. OH

By: \_\_\_\_\_  
JEFFREY P. MICHALOWSKI

Attorneys for Defendant  
INTERNATIONAL BUSINESS  
MACHINES CORPORATION.

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**ORDER**

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

- Non-binding Arbitration
  - Early Neutral Evaluation (ENE)
  - Mediation
  - Private mediation before a mediator agreed to by the parties.
- Deadline for ADR session
- 90 days from the date of this order.
  - Within 60 days from the date upon which both parties have completed at least one deposition.

IT IS SO ORDERED.

DATED: July 21, 2009



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Claudia Wilken  
U.S. District Judge

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