

1 PHILIP M. MILLER (SBN 87877)
 KRISTEN McCULLOCH (SBN 177558)
 2 MICHELLE L. SICULA (SBN 160598)
 SALTZMAN & JOHNSON LAW CORPORATION
 3 44 Montgomery Street, Suite 2110
 San Francisco, CA 94104
 4 (415) 882-7900
 (415) 882-9287–Facsimile
 5 pmiller@sjlawcorp.com
 kmcculloch@sjlawcorp.com
 6 msicula@sjlawcorp.com

7 Attorneys for Plaintiffs

8 UNITED STATES DISTRICT COURT
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 10 (OAKLAND DIVISION)

11 AUTOMOTIVE INDUSTRIES PENSION
 TRUST FUND, JAMES H. BENO, Trustee,
 12 BILL BRUNELLI, Trustee, STEPHEN J.
 MACK, Trustee, CHRIS CHRISTOPHERSEN,
 13 Trustee, DON CROSATTO, Trustee, MARK
 HOLLIBUSH, Trustee, GEORGE HALL, JR.,
 14 Trustee, CHARLES J. DI BARI, Trustee, RON
 NELSON, Trustee, and JAMES V.
 15 CANTERBURY, Trustee,

16 Plaintiffs,

17 v.

18 FREMONT MOTORS, INC., a California
 19 corporation, doing business as FREMONT
 LINCOLN MERCURY, MARK D.
 20 HAMILTON, an Individual, and as Trustee of
 the MARK HAMILTON TRUST, and as
 21 Trustee of the MARK AND HOLLY
 HAMILTON 1984 TRUST,

22 Defendants.
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Case No.: C 09-02547 SBA

**STIPULATION AND ORDER
CLARIFYING ADR REFERRAL**

DATE:

TIME:

JUDGE: Hon. Sandra B. Armstrong
 COURTROOM 1
 Fourth Floor
 1301 Clay Street
 Oakland, CA 94606

24 On September 14, 2009, in response to the parties' form ADR Stipulation, the Court
 25 referred this matter to mediation within the presumptive 90 day period.

26 Subsequently, during the September 30, 2009, case management conference, the Court
 27 ordered the parties to a settlement conference with a Magistrate Judge to occur by the end of
 28

1 January 2010. See, Minutes, Docket Number 16. The case has been assigned to Magistrate Judge
2 James for settlement purposes. See, Referral, filed October 7, 2009.

3 The Court's ADR staff has requested that the parties seek an order from the Court vacating
4 one of these referrals so that the case is not proceeding towards two early ADR events.

5 The parties would like to proceed with a settlement conference before Magistrate Judge
6 James. Accordingly, in order to comply with the ADR Department's request, the parties request
7 that the Court vacate its September 14, 2009 Order referring this matter to mediation.

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9 Dated: October 27, 2009

SALTZMAN & JOHNSON LAW CORPORATION

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By: _____/S/
Michelle L. Sicula
Attorneys for Plaintiffs

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Dated: October 27, 2009

LITTLER MENDELSON
A PROFESSIONAL CORPORATION

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By: _____/S/
Joshua Cliffe
Attorney for Defendants

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IT IS SO ORDERED.

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Dated: 11/2/09


SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT JUDGE

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PROOF OF SERVICE

I am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On October 27, 2009, I served the following documents on the parties to this action, addressed as follows, in the manner described below:

**STIPULATION AND [PROPOSED] ORDER
CLARIFYING ADR REFERRAL**

XX **MAIL**, being familiar with the practice of this office for the collection and the processing of correspondence for mailing with the United States Postal Service, and deposited in the United States Mail copies of the same to the business addresses set forth below, in a sealed envelope fully prepared.

___ **FACSIMILE** be causing said document to be transmitted by Facsimile machine to the number indicated after the address(es) set forth below.

___ **UPS** for delivery the following business day by placing same for collection by UPS to the business addresses set forth below.

___ **PERSONAL DELIVERY** by placing said document in a sealed envelope and causing it to be personally delivered to the address(es) set forth below.

Addressed to:

Joshua J. Cliffe
Littler Mendelson
Attorneys for Defendants
650 California St., 20th Floor
San Francisco, CA 94108

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 27th day of October 2009, at San Francisco, California.

_____/S/
Julie Jellen