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11 Attorneys for Defendant  
 AT&T MOBILITY LLC  
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13 **UNITED STATES DISTRICT COURT**  
 14 **NORTHERN DISTRICT OF CALIFORNIA**  
 15 **OAKLAND DIVISION**

16 DAVID MORGENSTEIN, individually and on  
 17 behalf of all others similarly situated.

18 Plaintiff,

19 v.

20 AT&T MOBILITY LLC, a Delaware  
 corporation, and DOES 1 – 50, inclusive.

21 Defendant.  
 22

Case No. CV 09-3173 SBA

**STIPULATION AND  
~~PROPOSED~~ ORDER  
 SELECTING ADR PROCESS**

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

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

26 **Court Processes:**

27 Mediation (ADR L.R. 6)

28 *(Note: Parties who believe that an early settlement conference with a Magistrate Judge is*

1 appreciably more likely to meet their needs than any other form of ADR, must participate in an  
2 ADR phone conference and may not file this form. They must instead file a Notice of Need for  
3 ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)

4 **Private Process:**

5 Mediation

6 The parties agree to hold the ADR session by:

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

9  
10 Dated: October 30, 2009

Nassiri & Jung LLP,

11  
12 By: /s/ Kassra P. Nassiri  
Kassra P. Nassiri

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14 *Attorneys for Plaintiff David Morgenstein*

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16 Dated: October 30, 2009

Mayer Brown LLP,

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18 By: /s/ John Nadolenco  
John Nadolenco

19  
20 *Attorneys for Defendant AT&T Mobility LLC*

21  
22 Pursuant to General Order No. 45, Section X(B), I hereby attest that Kassra P. Nassiri and John  
23 Nadolenco concur in the filing of this document.

24 /s/ J. Joann Liao  
25 J. Joann Liao

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~~PROPOSED~~ ORDER

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


Mediation

Deadline for ADR session:

90 days from the date of this order.

IT IS SO ORDERED.

Dated: 11/3/09 \_\_\_\_\_

  
\_\_\_\_\_  
The Hon. Sandra Brown Armstrong  
United States District Judge