

1 PAUL L. REIN, Esq. (SBN 43053)  
 2 CELIA MCGUINNESS (SBN 159420)  
 3 CATHERINE M. CABALO (SBN 248198)  
 4 LAW OFFICES OF PAUL L. REIN  
 5 200 Lakeside Drive, Suite A  
 6 Oakland, CA 94612  
 7 Telephone: 510/832-5001  
 8 Facsimile: 510/832-4787  
 9 [reinlawoffice@aol.com](mailto:reinlawoffice@aol.com)

10 Attorneys for Plaintiffs  
 11 PETER MENDOZA

12 BENJAMIN M. GLICKMAN, (SBN 247907)  
 13 GIBSON, DUNN & CRUTCHER, LLP  
 14 1881 Page Mill Road  
 15 Palo Alto, CA 94304  
 16 Telephone: 650/849-5300  
 17 Facsimile: 650/849-5333  
 18 [Bglickman@gibsondunn.com](mailto:Bglickman@gibsondunn.com)

19 Attorneys for Defendant  
 20 MCDONALD'S CORPORATION

21 ANDREW SHALAUTA (SBN 141989)  
 22 BURNHAM BROWN  
 23 A Professional Law Corporation  
 24 1901 Harrison Street, 11<sup>th</sup> Floor  
 25 Oakland CA 94612  
 26 Telephone: 510/444-6800  
 27 Facsimile: 510/835-6666  
 28 [ashalauta@burnhambrown.com](mailto:ashalauta@burnhambrown.com)

Attorneys for Defendant:  
 SYED ALI HUSAIN

IN THE UNITED STATES DISTRICT COURT  
 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

PETER MENDOZA,  
 Plaintiff,

CASE NO. C09-04122 CW  
 Civil Rights

v.

**STIPULATION AND ORDER  
 REQUESTING APPOINTMENT  
 OF MEDIATOR**

MCDONALD'S CORPORATION;  
 MICHAEL D. MAGRUDER; SYED  
 HUSSAIN; and DOES 1-10, Inclusive,

Defendants.

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1 **STIPULATION**

2 Plaintiff PETER MENDOZA and defendants MCDONALD’S  
3 CORPORATION and SYED ALI HUSAIN hereby jointly stipulate and request  
4 through their attorneys of record that the Court reappoint Daniel Bowling of the  
5 USDC ADR Program as the mediator in this case.

6 On May 13, 2010, Plaintiff PETER MENDOZA sent defendants  
7 MCDONALD’S CORPORATION AND SYED ALI HUSAIN a draft Consent  
8 Decree describing Plaintiff’s demand for injunctive relief.

9 On May 27, 2010 all counsel and appointed mediator at the time Daniel  
10 Bowling teleconferenced to discuss mediation and settlement efforts in this case.  
11 During the teleconference, counsel agreed to meet and confer to discuss Plaintiff’s  
12 demand for injunctive relief. Defense counsel also agreed to respond in writing to  
13 Plaintiff’s draft Consent Decree in advance of meeting and conferring.

14 On June 29, 2010 the Court entered its Order Vacating Notice and  
15 Appointment of Mediator (Docket No. 23).

16 On August 3, 2010, Defendant Syed Ali Husain responded to Plaintiff’s  
17 expert report and forwarded the parties his proposal for injunctive relief. On  
18 August 16, 2010, Plaintiff forwarded all parties his response to Defendant  
19 Husain’s injunctive relief proposal. On August 18, 2010, counsel for all parties  
20 telephonically met and conferred to discuss continued negotiations regarding  
21 resolving injunctive relief.

22 The parties hereby request that the Court reappoint Daniel Bowling as the  
23 mediator in this case.

24 IT IS SO STIPULATED.

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28 Respectfully Submitted,

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Dated: August 23, 2010

LAW OFFICES OF PAUL L. REIN

/s/ Catherine M. Cabalo  
By CATHERINE M. CABALO  
Attorneys for Plaintiff  
PETER MENDOZA

Dated: August 23, 2010

GIBSON, DUNN & CRUTCHER, LLP

/s/ Benjamin M. Glickman  
By BENJAMIN M. GLICKMAN  
Attorneys for Defendant  
MCDONALD'S CORPORATION

Dated: August 23, 2010

BURNHAM BROWN  
A Professional Law Corporation

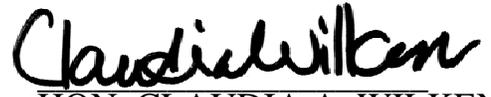
/s/ Andrew Shalauta  
By ANDREW SHALAUTA  
Attorneys for Defendant  
SYED ALI HUSAIN

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**ORDER**

Pursuant to stipulation, and for good cause shown, it is hereby ORDERED that Daniel Bowling of the USDC ADR Program is reappointed as the mediator in this case.

Dated: 8/26/2010

  
HON. CLAUDIA A. WILKEN  
U.S. DISTRICT JUDGE