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Attorneys for Plaintiff  
WILLIAM MCKINNEY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

WILLIAM MCKINNEY  
Plaintiff,

v.

BAYER HEALTHCARE LLC; BAYER  
HEALTHCARE PHARMACEUTICALS, INC.; AND  
DOES 1-20;  
Defendants.

) Case No. 4:09-cv-05561-CW  
)  
)  
) **STIPULATION AND ~~PROPOSED~~**  
) **ORDER REGARDING EARLY**  
) **NEUTRAL EVALUATION AND**  
) **MEDIATION**

) Date: September 10, 2010  
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The parties to this matter were scheduled for Early Neutral Evaluation on September 10, 2010 and, during the session, agreed to proceed instead with an evaluative mediation. The parties have in fact mediated. The parties therefore agree that, because the Evaluator served as a mediator, she should be relieved from her obligation to prepare a formal evaluation.

THEREFORE, the parties respectfully request this Court to vacate its Order for ENE and issue an order nunc pro tunc for mediation.

IT IS SO STIPULATED

Dated: September 10, 2010

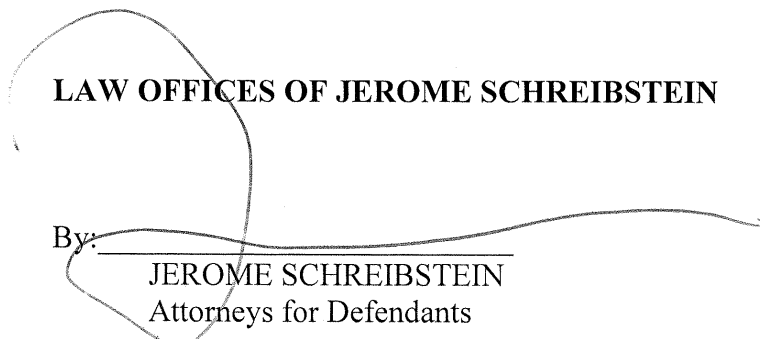
**LAW OFFICES OF JEREMY PASTERNAK  
A Professional Corporation**

By:   
JEREMY PASTERNAK  
ANTHONY OCEGUERA  
Attorneys for Plaintiff

WILLIAM MCKINNEY

Dated: September 10, 2010

**LAW OFFICES OF JEROME SCHREIBSTEIN**

By:   
JEROME SCHREIBSTEIN  
Attorneys for Defendants

IT IS SO ORDERED

Dated: September 14, 2010

  
Hon. Claudia Wilkens Wilken