

1 SQUIRE, SANDERS & DEMPSEY L.L.P.
 Mark C. Dosker (CA Bar # 114789)
 2 mdosker@ssd.com
 Julie E. Schwartz (CA Bar # 260624)
 3 jeschwartz@ssd.com
 One Maritime Plaza, Third Floor
 4 San Francisco, CA 94111
 Telephone: +1.415.954.0200
 5 Facsimile: +1.415.393.9887

6 SQUIRE, SANDERS & DEMPSEY L.L.P.
 Philip M. Oliss (*Pro Hac Vice*)
 7 poliss@ssd.com
 4900 Key Tower,
 8 127 Public Square
 Cleveland, OH 44114
 9 Telephone: +1.216.479.8500
 Facsimile: +1.216.479.8780

11 Attorneys for Defendant
 SEARS, ROEBUCK AND CO.

13 OTHER PARTIES' COUNSEL SHOWN
 ON SIGNATURE PAGE

15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA

18 MARTIN MURRAY, individually, on
 behalf of the General Public and on behalf
 19 of all others similarly situated,

20 Plaintiffs,

21 v.

22 SEARS, ROEBUCK AND CO., a
 Corporation, ELECTROLUX HOME
 23 PRODUCTS, Inc., a Corporation, et al.

24 Defendants.

Case No. C-09-5744-CW

CLASS ACTION

**STIPULATION AND ORDER SELECTING
 ADR PROCESS**

25 STIPULATION AND [PROPOSED]
 26 ORDER SELECTING ADR PROCESS
 27 CASE NO. C-09-5744-CW
 28

1 Counsel report that they have met and conferred regarding ADR and have reached the
2 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 *(Note: Parties who believe that an early settlement conference with a Magistrate Judge is*
9 *appreciably more likely to meet their needs than any other form of ADR, must participate in an*
10 *ADR phone conference any may not file this form. They must instead file a Notice of Need for*
11 *ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)*

12 **Private Process:**

13 Private ADR (please identify process and provider) Mediation

14 Mediator to be from JAMS, or other private provider, to be selected closer to mediation date.

15 The parties agree to hold the ADR session by:

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

18 other requested deadline: 60 days after finality of decision on class certification.

19 Dated: February 2, 2010

SQUIRE, SANDERS & DEMPSEY L.L.P.

21 By: /s/ Mark C. Dosker
22 Mark C. Dosker

23 Attorneys for Defendant
24 SEARS, ROEBUCK AND CO.

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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 ADR

Deadline for ADR session
90 days from the date of this order

other – private mediation to be held within 60 days after finality of decision on class certification.

IT IS SO ORDERED.

2/2/10

Dated: _____

UNITED STATES DISTRICT JUDGE