

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JEFFREY DUNK

CASE NO. CV 10-02038 SBA

Plaintiff(s),

v.

STIPULATION AND ~~PROPOSED~~  
ORDER SELECTING ADR PROCESS

LOWE'S HIW, INC., et al.

Defendant(s).

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

The parties agree to participate in the following ADR process:

**Court Processes:**

- Non-binding Arbitration (ADR L.R. 4)
- Early Neutral Evaluation (ENE) (ADR L.R. 5)
- Mediation (ADR L.R. 6)

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

**Private Process:**

- Private ADR (please identify process and provider) Private Mediation  
Mediator to be selected by counsel for the parties.

The parties agree to hold the ADR session by:

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

other requested deadline \_\_\_\_\_

Dated: 8/16/2010

\_\_\_\_\_  
Attorney for Plaintiff

Dated: 8/17/2010

\_\_\_\_\_  
Attorney for Defendant

When filing this document in ECF, please be sure to use the appropriate ADR Docket Event, e.g., "Stipulation and Proposed Order Selecting Early Neutral Evaluation."

~~PROPOSED~~ 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

IT IS SO ORDERED.

Dated: 10/18/10 \_\_\_\_\_

  
\_\_\_\_\_  
UNITED STATES ~~MAGISTRATE~~ JUDGE

*Dunk v. Lowe's HIW, Inc., et al.*  
*Case No. CV 10-02038 SBA*

**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

- 1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
- 2. My business address is 15250 Ventura Boulevard, Ninth Floor, Sherman Oaks, California 91403.
- 3. I served copies of the following documents (specify the exact title of each document served): **STIPULATION AND [PROPOSED] ORDER SELECTING ADR PROCESS**
- 4. I served the documents listed above in item 3 on the following persons at the addresses listed:

David L. Hart, Esq.  
LAW OFFICE OF DAVID L. HART  
1750 Francisco Boulevard, #8  
Pacifica, CA 94044  
(650) 355-3000; (650) 355-0250 - Fax  
Attorneys for Plaintiff,  
JEFFREY DUNK

- 5. a.  **By personal service.** I personally delivered the documents on the date shown below to the persons at the addresses listed above in item 4. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package clearly labeled to identify the attorney being served with a receptionist or an individual in charge of the office. (2) For a party delivery was made to the party or by leaving the documents at the party's residence between the hours of eight in the morning and six in the evening with some person not less than 18 years of age.
- b.  **By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 4 and (specify one):
  - (1)  deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid on the date shown below, or
  - (2)  placed the envelope for collection and mailing on the date shown below, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Sherman Oaks, California.

- c.  **By overnight delivery.** I enclosed the documents on the date shown below in an envelope or package provided by an overnight delivery carrier and addressed to the person at the addresses in item 4. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
  - d.  **By messenger service.** I served the documents on the date shown below by placing them in an envelope or package addressed to the person on the addresses listed in item 4 and providing them to a professional messenger service for service. (A declaration by the messenger must accompany this proof of service or be contained in the Declaration of Messenger below.)
  - e.  **By fax transmission.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents on the date shown below to the fax numbers of the persons listed in item 4. No error was reported by the fax machine that I used. A copy of the fax transmission, which I printed out, is attached.
  - f.  **By e-mail or electronic transmission.** Based on an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent on the date shown below to the e-mail addresses of the persons listed in item 4. I did not receive within a reasonable time after the transmission any electronic message or other indication that the transmission was unsuccessful.
- I declare that I am employed in the office of a member of the bar of this Court at whose direction service was made.
- I declare that I am a member of the bar of this Court.

8/18/10  
DATE

Jacqueline J. Thorne  
(TYPE OR PRINT NAME)

Jacqueline J. Thorne  
(SIGNATURE)

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THARPE & HOWELL  
15250 Ventura Boulevard, Ninth Floor  
Sherman Oaks, California 91403-3221

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