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 7 DAVID NORRIS and FRANK STONE

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 OAKLAND DIVISION

11  
 12 KEVIN MARTIN, DAVID NORRIS, FRANK )  
 STONE, individually and on behalf of all other )  
 13 similarly situated, )

14 Plaintiffs, )

15 v. )

16 MERRILL LYNCH, PIERCE, FENNER & )  
 SMITH, INCORPORATED, MERRILL )  
 17 LYNCH & CO., INC., BRIAN RILEY and )  
 DOES One through Twenty, )

18 Defendants. )  
 19

Case No. 10-04020 CW

**STIPULATION AND ORDER  
 SELECTING ADR PROCESS**

Judge: Hon. Claudia Wilken  
 Place: Dept. 2

Complaint Filed: August 6, 2010  
 Trial Date: None Set

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

22 The parties agree to participate in the following ADR Process: Mediation by an  
 23 agreed upon mediator with a private mediation service.

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1 The parties agree to hold the ADR session by a date to be agreed upon, but no later  
2 than March 31, 2011.

3 DATED: \_\_\_\_\_, 2010

4  
5 BARTKO, ZANKEL, TARRANT & MILLER  
6 A Professional Corporation

7 By \_\_\_\_\_  
8 William I. Edlund  
9 Attorneys for Plaintiffs  
10 KEVIN MARTIN, DAVID NORRIS  
11 and FRANK STONE

12 DATED: \_\_\_\_\_, 2010

13 MUNGER, TOLLES & OLSON

14 By \_\_\_\_\_  
15 Victoria L. Boesch  
16 Attorneys for Defendants  
17 MERRILL LYNCH, PIERCE, FENNER & SMITH,  
18 INCORPORATED, MERRILL LYNCH & CO.,  
19 INC., BRIAN RILEY and DOES One through  
20 Twenty

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