

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CASE NO.

Plaintiff(s),

v.

STIPULATION AND ~~[PROPOSED]~~  
ORDER SELECTING ADR PROCESS

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)* \_\_\_\_\_

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: \_\_\_\_\_

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

Dated: \_\_\_\_\_

\_\_\_\_\_  
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: 10/31/2011

 \_\_\_\_\_

UNITED STATES

JUDGE

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10 Attorneys for Defendant  
11 LUXOTTICA RETAIL NORTH AMERICA INC., an  
Ohio Corporation

12  
13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA

15  
16 JESSICA STAGNER, individually and on  
behalf of all other persons similarly situated,

17 Plaintiff,

18 v.

19 LUXOTTICA RETAIL NORTH AMERICA  
20 INC., an Ohio Corporation;  
LENSCRAFTERS, INC., an Ohio Corporation,

21 Defendants.  
22

Case No. CV-11-2889 CW

**DECLARATION OF JULIE A. TOTTEN  
IN SUPPORT OF DECL. OF JULIE A.  
TOTTEN IN SUPPORT OF  
STIPULATION AND PROPOSED  
ORDER SELECTING ADR PROCESS**

23 I, Julie A. Totten, declare as follows:

24 1. I am a member of the State Bar of California and a partner with the firm of Orrick,  
25 Herrington & Sutcliffe LLP (“Orrick”), attorneys of record for Defendant Luxottica Retail North  
26 America Inc. I have personal knowledge of the facts set forth in this declaration and could and  
27 would testify competently to them under oath if called as a witness.

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2. Concurrence in the filing of the Stipulation and [Proposed] Order Selecting ADR Process has been obtained from the other signatories, which shall serve in lieu of their signature(s) on the document.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Sacramento, California, on October 28, 2011.

/s/Julie A. Totten  
JULIE A. TOTTEN