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UNITED STATES DISTRICT COURT
Northern District of California
Oakland Division

DEMETRIUS MANCE,

No. C 11-03717 LB

Plaintiff,

**ORDER FOLLOWING SECOND
HEARING ON DEFENDANT'S
MOTION TO COMPEL
ARBITRATION**

v.

MERCEDES-BENZ USA, LLC,

Defendant.

_____ /
This order follows the March 1, 2012 hearing on Defendant Mercedes-Benz USA, LLC's ("Mercedes-Benz") motion to compel Plaintiff Demetrius Mance to arbitrate his claims. Motion, ECF No. 5.

At the first hearing on Mercedes-Benz's motion on October 20, 2011, the court discussed with the parties the option of participating in the court's alternative dispute resolution ("ADR") program. The court specifically noted that by participating in an ADR session, Mercedes-Benz would not waive its right to compel Mr. Mance to arbitrate his claims, and the court deferred ruling of Mercedes-Benz's motion until after the ADR session.

After this discussion, the parties agreed to participate in court-sponsored mediation and to take a limited amount of discovery to make the mediation session useful. Stipulation, ECF No. 21. The parties went to mediation on February 13, 2012, but they failed to resolve the case. Certification of Mediation, ECF No. 26.

On March 1, 2012, the court held a second hearing on Mercedes-Benz's motion. At the hearing,

1 the parties mentioned the possibility that further discovery into the condition of the vehicle (such as
2 an examination of the air conditioning system during the summer months) might enable the parties
3 to continue settlement discussions. Following this discussion, the court set a status conference for
4 August 30, 2012 at 10:30 a.m. Minute Entry, ECF No. 27. The parties were instructed to file a joint
5 status conference statement – which may include supplementary material in accordance with Civil
6 Local Rule 7-3(d)(2) – no later than August 23, 2012. *Id.* In light of these next steps, the court
7 again, with the parties’ consent, defers ruling on Mercedes-Benz’s motion to compel until after the
8 August 30, 2012 status conference.

9 **IT IS SO ORDERED.**

10 Dated: March 2, 2012

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13 LAUREL BEELER
14 United States Magistrate Judge
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