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11 Attorneys for Plaintiff
 12 COUPONS, INC.

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN JOSE DIVISION

16 COUPONS, INC.,

17 Plaintiff,

18 vs.

19 JOHN STOTTMIRE, and DOES 1-10,

20 Defendants.

Case No. 5:07-CV-03457 HRL

**REPLY TO DEFENDANT'S OPPOSITION
 TO MOTION TO DIRECT THE PARTIES
 TO RETURN TO EARLY NEUTRAL
 EVALUATION PURSUANT TO ADR L.R.
 5-2, AND CIVIL L.R. 7.**

Date: January 27, 2009

Time: 10:00 a.m.

Courtroom: 2

Judge: Honorable Howard R. Lloyd

21 The Court has the power to order parties to an Early Neutral Evaluation session
 22 irrespective of Stottlemire's opposition. ADR Local Rule 5-2. Coupons still believes that an
 23 Early Neutral Evaluation session will aid the parties in evaluating their current legal positions and
 24 reaching toward a creative solution. Although Stottlemire currently claims disinterest in
 25 additional settlement assistance,¹ that is often the situation before successful ENE's. A neutral,

26 ¹ One point in Stottlemire's opposition warrants response. He states that no such breach occurred,
 27 and as support he cites out of context a statement of Coupons' counsel that, "Coupons is fine with
 28 making everything public regarding the settlement." See Defendant's Opposition to Motion to
 Direct the Parties to Return to Early Neutral Evaluation, p. ii, fn 1. Reading the entire email in
 context makes clear that Coupons' counsel wrote this email to Stottlemire after Stottlemire's
 dissemination to the public of false and misleading information boasting of his victory in the case,
 and after Stottlemire threatened to make a motion for summary judgment to enforce the
 settlement. Coupons' interest at that point was to set the public record straight in order to remedy
 the breach and it had offered this solution to Stottlemire. Stottlemire rejected that solution;

1 **PROOF OF SERVICE**

2 I, the undersigned, declare that I am a resident of the State of California, employed in the
3 County of San Francisco, over the age of eighteen years and not a party to the within action. My
4 business address is: Farella Braun + Martel LLP, 235 Montgomery Street, 17th Floor, San
5 Francisco, California 94104.

6 On this date I served the within document(s):

7 **REPLY TO DEFENDANT’S OPPOSITION TO MOTION TO DIRECT THE PARTIES
8 TO RETURN TO EARLY NEUTRAL EVALUATION PURSUANT TO ADR L.R. 5-2,
9 AND CIVIL L.R.7.**

10 X **BY ELECTRONIC FILING:** the within document(s), the automatically generated
11 notification for which constitutes service pursuant to General Order 45, Section IX(A) and (B).

12 John Allan Stottlemire
13 4509 Wayland Court
14 High Point, NC 27265
15 Telephone: 614-358-4185
16 E-mail: johna@stottlemire.com
17 Defendant – *Pro Se*

18 ___ **MAIL:** by placing a true copy thereof, addressed as set forth below and enclosed in a
19 sealed envelope with postage thereon fully prepaid and deposited for collection and mailing with
20 the U.S. Postal Service. I am readily familiar with the ordinary business practice of this office for
21 processing mail.

22 ___ **ELECTRONIC TRANSMISSION:** a true and correct copy transmitted to each of the
23 parties at the electronic notification address last given by said party on any document which he or
24 she has filed in this action and served upon this office.

25 ___ **FACSIMILE TRANSMISSION:** a true and correct copy transmitted via facsimile to
26 each addressee listed below.

27 ___ **FEDERAL EXPRESS:** by placing a true copy thereof, addressed as set forth below and
28 enclosed in a sealed envelope for delivery by overnight courier to the addressee.

I declare that I am employed in the office of a member of the bar of this court at whose
direction the service was made.

I declare under penalty of perjury under the laws of the State of California that the above
is true and correct. Executed in San Francisco, California on **January 13, 2009**.

Carolyn L. Fisher