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8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

11 MONTARA WATER AND SANITARY) No. C 08-2814 JF (RS)
 12 DISTRICT,)

13 Plaintiff,)

14 v.)

15 COUNTY OF SAN MATEO, a political)
 subdivision of the State of California; and)
 16 DOES 1 to 20, inclusive,)

17 Defendants.)

18 UNITED STATES OF AMERICA,)

19 Intervenor.)
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**PARTIES' JOINT REQUEST TO BE
 EXEMPT FROM FORMAL ADR
 PROCESS and [Proposed] ORDER**

21 Each of the undersigned certifies that he or she has read either the handbook entitled
 22 "Dispute Resolution Procedures in the Northern District of California," or the specified portions
 23 of the ADR Unit's Internet site <www.adr.cand.uscourts.gov>, discussed the available dispute
 24 resolution options provided by the court and private entities, and considered whether this case
 25 might benefit from any of them.

26 Here, the parties agree that referral to a formal ADR process will not be beneficial at this
 27 time because in May 2008, the parties participated in a full day mediation session with the
 28 assistance of the Hon. Zerne P. Haning, III, JAMS mediator. The parties do not believe further

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JOSEPH P. RUSSONIELLO
United States Attorney

Dated: October 14 , 2008

/s/

CHARLES M. O'CONNOR
Assistant United States Attorney

Attorneys for Intervenor

ORDER

PURSUANT TO THE FOREGOING REQUEST AND TO ADR L.R. 3-3(c), IT IS SO ORDERED.

IT IS FURTHER ORDERED that the parties are hereby removed from the ADR Multi-Option Program and are excused from participating in the ADR phone conference and any further formal ADR process.

Dated: October 14, 2008



JEREMY FOGEL
UNITED STATES DISTRICT JUDGE