

E-FILED - 12/4/08

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RSI CORP., dba RESPONSIVE SYSTEMS
COMPANY, a New Jersey corporation,

CASE NO. 5:08-CV-3414 (RMW/HRL)

Plaintiff(s),

v.

STIPULATION AND ~~PROPOSED~~
ORDER SELECTING ADR PROCESS

INTERNATIONAL BUSINESS
MACHINES CORP. AND DOES 1-20

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) Mediation

The parties have discussed Tony Piazza, but will consider alternatives.

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 Within 60 days from the date IBM is required to file an answer

Dated: 11/21/2008

/s/ Forrest Booth

Attorney for Plaintiff

Dated: 11/21/2008

/s/ Shon Morgan

Attorney for Defendant

~~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 60 days from Answer

IT IS SO ORDERED.

Dated: 12/4/08



UNITED STATES DISTRICT JUDGE

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PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 865 South Figueroa Street, 10th Floor, Los Angeles, California 90017-2543.

On November 21, 2008, I served true copies of the following document(s) described as:

STIPULATION AND [PROPOSED] ORDER SELECTING ADR PROCESS

on the parties in this action as follows:

Counsel for Plaintiff RSI Corp.

Robert D. Triantos
Edmund W.K. Haitsuka
Carlsmith Ball LLP
75-1000 Henry St. Ste. 209
Kailua-Kona, HI 96740

BY MAIL: I enclosed the foregoing into sealed envelope(s) addressed as shown above, and I deposited such envelope(s) in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

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.

Executed on November 21, 2008, at Los Angeles, California.



Tiffany Garcia