

1 The parties, by and through their respective attorneys of record stipulate as follows:

2 Whereas, the parties have been previously ordered by the court on November 21, 2008 to
3 the Court's ADR program and were ordered to proceed with court mediation with a 90-day
4 deadline, and

5 Whereas, since that time the parties have been actively participating in discovery
6 including written discovery and depositions with said discovery expected to continue at least
7 through early April, and

8 Whereas, the parties agree that the completion of additional discovery is necessary prior
9 to participating in mediation. Said discovery includes Orkin subpoenaing medical records and
10 other records relating to the incident prior to the deposition of Donna Pratt.

11 Whereas the parties now wish to have this matter removed from the Court's ADR
12 program and instead to conduct a mediation with mediator Viggo Boserup with J.A.M.S. that is
13 scheduled to take place on April 29, 2009;

14 The parties stipulate that it is in the interests of justice and judicial economy for the Court
15 to relieve the parties from the prior appointment to the ADR program and to replace the
16 previously ordered Court mediation with mediation through a private mediator that the parties
17 have selected. Said private mediation will be concluded by no later than May 1, 2009 and the
18 case management conference with the court, currently scheduled on March 20, 2009, will be
19 continued to a date after the mediation deadline.

20 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

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RIMAC MARTIN, PC

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24 DATED: February 17, 2009

By: /s/ W. STUART HOME, III
W. STUART HOME, III
Attorneys for Defendants
ORKIN PEST CONTROL and
ORKIN EXTERMINATING COMPANY, INC

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