

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DR. JOEL DREXEL

CASE NO. CV08-03653 JW

Plaintiff(s),

v.

BERKSHIRE LIFE INS. CO; GUARDIAN
LIFE INS. CO.

STIPULATION AND [Proposed]
ORDER SELECTING ADR PROCESS

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) _____

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 _____

Dated: 01/30/09

/s/ Reza Athari, Esq.
Attorney for Plaintiff

Dated: 01/30/09

/s/ Sean P. Nalty, Esq.
Attorney for Defendant

When filing this document in ECF, please be sure to use the appropriate ADR Docket Event, e.g., "Stipulation and Proposed Order Selecting Early Neutral Evaluation."

[PROPOSED] ORDER

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

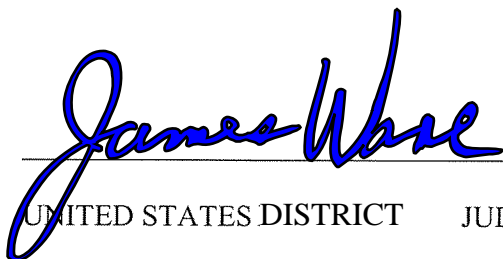
- Non-binding Arbitration
- Early Neutral Evaluation (ENE)
- ✓ Mediation
- Private ADR

Deadline for ADR session

- ✓ 90 days from the date of this order.
- other

IT IS SO ORDERED.

Dated: February 6, 2009


UNITED STATES DISTRICT JUDGE

1 **PROOF OF SERVICE**

2 *Dr. Joel Drexel v. Berkshire Life Insurance Company*
3 *U.S.D.C. Northern District Case No. CV08-03653 JW*

4 I am over the age of eighteen years and am not a party to the within cause. I am
5 employed in the City and County of San Francisco, California and my business address is 525
6 Market Street, 17th Floor, San Francisco, California 94105-2725. On this date I served the
7 following document(s):

8 **STIPULATION AND [PROPOSED] ORDER SELECTING ADR PROCESS**

9 on the part(y)(ies) identified below, through their attorneys of record, by placing true copies
10 thereof in sealed envelopes addressed as shown below by the following means of service:

11 _____ : **By First Class Mail** -- I caused each such envelope, with first class postage thereon
12 fully prepaid, to be deposited in a recognized place of deposit of the U.S. Mail in San Francisco,
13 California, for collection to the office of the addressee following ordinary business practices.

14 _____ : **By Personal Service** -- I caused each such envelope to be given to a courier messenger
15 who personally delivered each such envelope to the office of the address.

16 _____ : **By Overnight Courier** -- I caused each such envelope to be given to an overnight mail
17 service at San Francisco, California, to be hand delivered to the addressee on the next business
18 day.

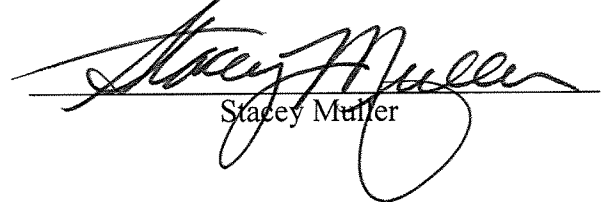
19 _____ : **Facsimile** -- (Only where permitted. Must consult CCP §1012.5 and California Rules
20 of Court 2001-2011. Also consult FRCP Rule 5(e). Not currently authorized in N.D.CA.)

21 : **By Electronic E-Mail** -- I caused each such envelope to be electronically served to the
22 office of the address.

23 Reza Athari
24 Reza Athari & Associates, PLLC
25 6235 South Pecos Road, Suite 109
26 Las Vegas, NV 89120
27 Tel: (702) 433-3529
28 **Attorneys for Plaintiff DR. JOEL DREXEL**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

EXECUTED on January 30, 2009, at San Francisco, California.


Stacey Muller