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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Susan Rene Jones,

NO. C 08-03971 JW

Plaintiff,

**ORDER REFERRING NON-DISPOSITIVE
MOTION TO CHIEF MAGISTRATE
JUDGE JAMES**

v.

Metropolitan Life Ins. Co., et al.,

Defendants.

Presently before the Court is Defendants' Amended Motion to Strike all references in Plaintiff's various filings to confidential settlement communications.¹ Defendants contend that Plaintiff's descriptions of communications that occurred during the course of a court-sponsored mediation are inadmissible under Fed. R. Evid. 408, violate the ADR Rules of this Court, and breach the parties' written confidentiality agreement. (Id.)

On December 16, 2009, Plaintiff moved to strike Plaintiff's Response to Defendants' Request for Further Case Management Conference on the ground that it contained lengthy discussion of the parties' confidential settlement communications.² On May 19, 2010, the Court issued an Order Referring Defendants' Motion to Strike to Judge Laporte since the Motion involves

¹ (Defendants' Supplemental and Amended Motion to Strike Plaintiff's Response to Defendants' Notice of Need for Further Case Management Conference (Doc. 36), and Portions of Doc. Nos. 46, 47, 48, 49, 50, 72, 85, 86, 94, 95, and Exhibit 75 to Doc. No. 87; Request for Sanctions, hereafter, "Amended Motion to Strike," Docket Item No. 108.)

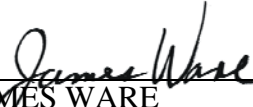
² (Defendants' Motion to Strike Plaintiff's Response to Defendants' Notice of Need for Further Case Management Conference, Docket Item No. 41.)

1 alleged violation of the Court’s ADR Program. (hereafter, “May 19 Order,” Docket Item No. 101.)
2 In its May 19 Order, the Court concluded that it could not consider the merits of Defendants’ Motion
3 to Strike without examining the substance of the confidential statements themselves. (Id. at 1.) On
4 June 4, 2010, Defendants filed their Amended Motion to Strike, which superceded the December 16
5 Motion to Strike. (See Amended Motion to Strike.)

6 On June 8, 2010, Judge Laporte ordered Defendants to withdraw their superceded Motion to
7 Strike and set a briefing schedule on the Amended Motion. (Docket Item No. 112.) On June 14,
8 2010, Judge Laporte recused herself from this matter. (Docket Item No. 114.) The matter was then
9 referred to Judge Larson, who also subsequently recused himself. (Docket Item No. 115.)

10 The Court refers this matter to the Chief Magistrate Judge James for assignment to the
11 appropriate Magistrate Judge to resolve this pending Motion, which is a non-dispositive motion
12 relating to confidentiality rules for Court-sponsored ADR processes.

13
14 Dated: June 16, 2010



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Rebecca A. Hull rebecca.hull@sdma.com
3 Robert Burton Nichols nichols@nicholslawgroup.com
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5 **Dated: June 16, 2010**

Richard W. Wieking, Clerk

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7 **By: /s/ JW Chambers**
8 **Elizabeth Garcia**
9 **Courtroom Deputy**
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