

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

FACEBOOK, INC., a Delaware corporation,

Plaintiff,

v.

POWER VENTURES, INC. d/b/a POWER.COM, a California Corporation; POWER VENTURES, INC. a Cayman Island Corporation; STEVEN VACHANI, an individual; DOE 1, d/b/a POWER.COM, an individual and/or business entity of unknown nature; DOES 2 through 25, inclusive, individuals and/or business entities of unknown nature,

Defendants.

**Case No. 08-CV-05780 JF**

**STIPULATION AND ~~PROPOSED~~  
ORDER SELECTING ADR PROCESS**

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 Process:**

- 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.*)

XXX Other requested deadline: **150 days from the date of the order referring the case to an ADR process.**

DATED: March 25, 2009

\_\_\_\_\_  
/s/ David Chiappetta  
David Chiappetta  
**PERKINS COIE LLP**  
Attorney for Facebook, Inc.

DATED: March 25, 2009

\_\_\_\_\_  
/s/ Alan R. Plutzik  
Alan R. Plutzik  
**BRAMSON, PLUTZIK, MAHLER &  
BIRKHAUSER, LLP**  
  
Scott A. Bursor (*pro hac vice pending*)  
**LAW OFFICES OF SCOTT A. BURSOR**  
Attorney for Defendants Power Ventures,  
Inc. and Steve Vachani

I, David Chiappetta, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order Selecting ADR Process. In compliance with General Order 45, X.B., I hereby attest that Scott Bursor and Alan Plutzik has concurred in this filing.

\_\_\_\_\_  
/s/ David Chiappetta  
David Chiappetta (State Bar No. 172099)  
DChiappetta@perkinscoie.com

**[PROPOSED] ORDER**

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

- Non-binding Arbitration (ADR L.R. 4)
- Early Neutral Evaluation (ENE) (ADR L.R. 5)
- Mediation (ADR L.R. 6)
- Private ADR

Deadline for ADR session

- 90 days from the date of this order
- Other: 150 days from the date of this Order

IT IS SO ORDERED.

Dated: 3/31/09

  
\_\_\_\_\_  
HONORABLE JEREMY FOGEL  
UNITED STATES DISTRICT JUDGE