

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

\*E-FILED - 10/20/09\*

Eclectic Properties East, LLC, et al.

CASE NO. 09-cv-00511-RMW(RS)

Plaintiff(s),

v.

STIPULATION AND [XXXXXXX]  
ORDER SELECTING ADR PROCESS

The Marcus & Millichap Company, et al.

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) \_\_\_\_\_

Private mediation, with a mediator to be mutually selected by all parties.

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 Mediation to be held within one month of the close of discovery.

Dated: 9/14/09

\_\_\_\_\_  
/s/

Attorney for Plaintiff, Bonny E. Sweeney

Dated: 9/14/09

(signatures on next page)  
Attorney for Defendant

DATED: 9/14/09

KEKER & VAN NEST LLP

/s/

Daniel E. Purcell

*Attorneys for Defendants The Marcus & Millichap Co., Sovereign Investment Co., Sovereign Scranton LLC, Sovereign CC, LLC, and Sovereign JF, LLC*

DATED: 9/14/09

SCHEPER KIM & OVERLAND LLP

/s/

David C. Scheper

*Attorneys for Defendants Marcus & Millichap Real Estate Investment Services Inc., Marcus & Millichap Real Estate Investment Brokerage Co., Marcus Muirhead, Sean Perkin, Donald Emas, Andrew Leshner, Stewart Weston, Brice Head and Bret King*

DATED: 9/14/09

JEFFER MANGELS BUTLER &  
MARMARO LLP

/s/

Christopher H. Doyle

*Attorneys for Defendants Paul A. Morabito and Baruk Management, Inc.*

DATED: 9/14/09

MANNING & MARDER, KASS,  
ELLROD, RAMIREZ LLP

/s/

Michael L. Smith

*Attorneys for Defendants PGP Valuation, Inc.*

DATED: 9/14/09

MORRISON COHEN LLP

/s/

Y. David Scharf

*Attorneys for Defendants Glen D. Kunofsky and  
Daizy Gomez*

DATED: 9/14/09

McKENNA LONG & ALDRIDGE LLP

/s/

Timothy A. Horton

*Attorneys for Defendants Tibarom NY LLC and  
Tibarom PA LLC*

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."

XXXXXXX 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 1 mo. fr. end of discovery

IT IS SO ORDERED.

Dated: 10/20/09

*Ronald M. Whyte*

UNITED STATES XXXXXXXXX JUDGE  
DISTRICT