

United States District Court
For the Northern District of California

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E-FILED on 10/20/2011

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

MARK SHEPHERD and DELIA SHEPHERD,

Plaintiffs,

v.

S3 PARTNERS, LLC; ALARIS
DEVELOPMENT; THE SHIELDS
FOUNDATION; NORTHWEST
CONSULTING GROUP, LLC; CORINTHIAN
WEALTH MANAGEMENT; GOLDEN
CREST WEALTH MANAGEMENT; PIERCE
ARROW INVESTORS, LLC; LIVINGSTONE
CAPITAL; STAGECOACH RETAIL, LLC;
SONTERRA RETAIL CENTER, LLC;
MICHAEL SIMS; SAM STAFFORD;
MELVIN RUSSELL SHIELDS; DAVID
VAUGHN; DAVID SAMUELS; CHASTAN
SHIELDS; DOUG BURKE,

Defendants.

No. C-09-01405 RMW

ORDER GRANTING IN PART MOTION
FOR ADMINISTRATIVE RELIEF TO
EXCLUDE MATTER FROM THE
ALTERNATIVE DISPUTE RESOLUTION
PROGRAM AND REFERRING CASE TO A
SETTLEMENT CONFERENCE

[Re Docket No. 94]

Defendants S3 Partners, LLC; Northwest Consulting Group, LLC; Livingstone Capital;
Stagecoach Retail, LLC; Sonterra Retail Center, LLC; and Melvin Russell Shields (collectively,
"movants") move to have this case removed from the ADR program for the Northern District of
California. Movants' counsel represents that plaintiffs' counsel does not object, and no opposition
was filed. Having considered the papers submitted and the record in this case, the court will remove

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LJP

1 the case from the mediation program but will require the parties to participate in a settlement
2 conference before a magistrate judge.

3 The court referred this case to mediation on August 27, 2010. Dkt. No. 54. The parties
4 stipulated to several extensions of the deadline to complete mediation, so that certain depositions
5 could be taken first. Dkt. Nos. 59, 64, 67. Those depositions have now been taken, but the case has
6 not been mediated, and movants argue that mediation would not be fruitful. In light of movants'
7 reluctance to mediate, the lack of opposition, and the advanced stage of the case, the court will
8 remove the case from the mediation program. Nonetheless, the ADR Local Rules provide that
9 litigants "are presumptively required to participate in one non-binding ADR process." ADR L.R. 3-
10 2. Here, the court is not "persuaded that no ADR process is likely to deliver benefits to the parties
11 sufficient to justify the resources consumed by its use." *Id.* Thus, the court refers the case to a
12 settlement conference with the magistrate judge to whom this case is assigned.

13 **ORDER**

14 For the foregoing reasons, this case is hereby removed from the mediation program. The
15 parties are to participate in a settlement conference before Magistrate Judge Paul S. Grewal no later
16 than January 20, 2012. It is the parties' responsibility to immediately contact Judge Grewal's
17 chambers and schedule the settlement conference.

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20 DATED: 10/20/2011



RONALD M. WHYTE
United States District Judge

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