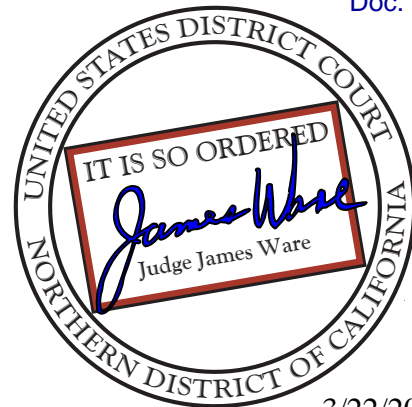


UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA



FAFCO, Inc., a California corporation

CASE NO. C-09-04861-JW

Plaintiff(s),

3/22/2010

v.

Energy Laboratories, Inc. (a/k/a Energy Labs, Inc.), Scott Czewski, and DOES 1 through 20

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: 02/04/2010

/s/ Charles L. Post  
Attorney for Plaintiff

Dated: 02/04/2010

/s/ Patricia J. Hill  
Attorney for Defendant Energy Labs, Inc.  
(Admitted Pro Hac Vice)

Dated: 02/04/2010

/s/ Douglas Colt  
Attorney for Defendant Scott Czewski