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11 Attorney for JOHN BENSON

13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 15 SAN JOSE DIVISION

16 JOHN BENSON,  
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 Plaintiff,  
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 v.  
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 20 CITY OF SAN JOSE, a public entity,  
 OFFICER BRIAN PETTIS, an individual,  
 21 and DOES 1-100, inclusive,  
 22 Defendants.

Case Number: C09-05772 JW

23 **STIPULATION AND [PROPOSED]**  
**ORDER SELECTING ADR PROCESS**

24 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:

25 The parties agree to participate in the following ADR process:

26 **Court Processes:**

27  Arbitration                       ENE                       Mediation

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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 \_\_\_\_\_.

RICHARD DOYLE, City Attorney

Dated: May 17, 2010

By: /s/ Richard North  
RICHARD NORTH  
Deputy City Attorney

Attorneys for Defendants CITY OF SAN JOSE, et al.

LAW OFFICES OF ALLEN RUBY

Dated: May 17, 2010

By: /s/ Allen Ruby  
ALLEN RUBY

Attorney for Plaintiff JOHN BENSON

~~[PROPOSED]~~ 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

IT IS SO ORDERED.

Dated: May 19, 2010

James Ware  
HONORABLE JAMES WARE  
UNITED STATES DISTRICT COURT