

1 Aaron L. Agenbroad (State Bar No. 242613)
 2 alagenbroad@jonesday.com
 3 Catherine Nasser (State Bar No. 246191)
 4 cnasser@jonesday.com
 5 JONES DAY
 6 555 California Street, 26th Floor
 7 San Francisco, CA 94105
 8 Telephone: (415) 626-3939
 9 Facsimile: (415) 875-5700

Alan B. Bayer (State Bar No. 216706)
 alanbayer@aol.com
 Heather E. Borlase (State Bar No. 216729)
 heatherborlase@aol.com
 BAYER & BORLASE
 912 Cole Street, #238
 San Francisco, CA 94117
 Telephone: (415) 558-9960
 Facsimile: (415) 558-9970

6 Matthew W. Lampe (admitted *pro hac vice*)
 mwlampe@jonesday.com
 7 Wendy C. Butler (admitted *pro hac vice*)
 wbutler@jonesday.com
 8 JONES DAY
 9 222 East 41st Street
 10 New York, NY 10017
 11 Telephone: (212) 326-3939
 12 Facsimile: (212) 755-7306

Attorneys for Plaintiff
 MAY MOUA

11 Attorneys for Defendant
 12 INTERNATIONAL BUSINESS
 13 MACHINES CORPORATION

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA

17 **MAY MOUA, individually and on behalf of**
 18 **all others similarly situated, and for the**
 19 **interest of the general public,**

20 **Plaintiffs,**

21 **v.**

22 **INTERNATIONAL BUSINESS**
 23 **MACHINES CORPORATION, a**
 24 **California business entity, form unknown,**
 25 **JOSEPH KOENIG, an Individual and**
 26 **DOES 1-200,**

27 **Defendant.**

Case No. C 10-01070 JW

STIPULATION AND [PROPOSED]
 ORDER SELECTING ADR PROCESS

26 Pursuant to ADR Local Rule 2-3 and Civil Local Rule 7-12, all parties to this action,
 27 through their duly authorized undersigned counsel, stipulate and request as follows:

28 WHEREAS, on August 30, 2010, the parties filed a Stipulation and [Proposed] Order

1 Selecting ADR Process, choosing private mediation as the preferred method of alternative dispute
2 resolution. (Docket No. 13.)

3 WHEREAS, on September 1, 2010, the Court entered an Order referring the above-
4 captioned matter to private mediation to be completed on or before December 30, 2010. (Docket
5 No. 14.)

6 WHEREAS, after a meaningful and diligent effort to select an agreed-upon private
7 mediator, including the exchange of information related to potential mediators, the parties have
8 been unable to agree upon a private mediator at this time.

9 WHEREAS, both parties believe that this matter may be better suited for the Court ADR
10 process, specifically, mediation pursuant to ADR Local Rule 6.

11 WHEREAS, subject to the appointed mediator's availability, the parties agree to hold the
12 mediation within sixty (60) days from the date of referral.

13 IT IS HEREBY STIPULATED by and between the parties, through their respective
14 counsel:

- 15 1. The parties shall participate in a Court sponsored mediation pursuant to ADR
16 Local Rule 6.
- 17 2. Subject to the appointed mediator's availability, the parties shall hold the ADR
18 session within sixty (60) days from the date of referral.

19 **IT IS SO STIPULATED.**

20 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
21 "conformed" signature (/S/) within this efiled document.

22 Dated: December 10, 2010

Respectfully submitted,

Jones Day

25 By: /S/ Catherine S. Nasser
Catherine S. Nasser

26
27 Counsel for Defendant
INTERNATIONAL BUSINESS MACHINES
28 CORPORATION

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Dated: December 9, 2010

Respectfully submitted,

Bayer & Borlase

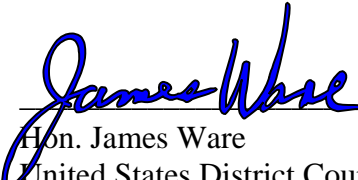
By: /s/ Alan B. Bayer
Alan B. Bayer

Counsel for Plaintiff
MAY MOUA

 ~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: December 13, 2010


Hon. James Ware
United States District Court Judge

SFI-655865v1