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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

HEWLETT PACKARD COMPANY,
Plaintiff,
v.
SERVICENOW, INC.,
Defendant.

Case No. [14-cv-00570-BLF](#)

**ORDER REFERRING CASE TO ADR
UNIT FOR TELEPHONE
CONFERENCE**

On June 5, 2014, the parties filed a Stipulation and Proposed Order Selecting ADR Process. (*See* ECF 41) The parties checked the box for Court Mediation pursuant to ADR Local Rule 6, but they added a sentence requesting that the mediation be conducted by Magistrate Judge Grewal. (*Id.*) This request is inappropriate. Rule 6 provides that “[a]fter entry of an order referring a case to mediation, the ADR Unit will appoint from the Court’s panel a mediator who is available during the appropriate period and has no apparent conflict of interest.” ADR L.R. 6(a). The rule makes no provision for appointment of a magistrate judge to conduct a mediation. On occasion, the Court may refer a case for a settlement conference conducted by a magistrate judge; however, “[t]he Court limits the number of cases referred to Magistrate Judges for early settlement conferences.” ADR L.R. 7-2 Comm.

The parties also requested that their ADR obligation be deferred until sixty days after issuance of a claim construction order. While such a request may be appropriate in some cases, the Court lacks sufficient information to evaluate whether this case might benefit from an earlier ADR window.

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Accordingly, the case is HEREBY REFERRED to the ADR Unit for a telephone conference. If the ADR Unit's schedule permits, the telephone conference shall be conducted prior to the Case Management Conference set for June 26, 2014.

IT IS SO ORDERED.

Dated: June 11, 2014


BETH LABSON FREEMAN
United States District Judge