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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

GLAS-WELD SYSTEMS, INC., an Oregon
corporation,

Plaintiff,

v.

MICHAEL P. BOYLE, dba SURFACE
DYNAMIX; and CHRISTOPHER M. BOYLE

Defendants.

Case No. 6:12-cv-02273-AA

**PLAINTIFF'S SECOND ALTERNATIVE
DISPUTE RESOLUTION REPORT**

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Pursuant to LR 16-4(d), the parties to all cases, unless exempt, are required to confer regarding ADR and file this report within one-hundred fifty (150) days of the initiation of a lawsuit. This report is submitted in compliance with LR 16-4(d) and the Court's Order of Nov. 7, 2014.

1. Have counsel held settlement discussions with their clients and the opposing party?

Yes No

If not, provide an explanation:

2. The parties propose: (*check one of the following*)

(a) That this case be referred to a neutral of their choice for ADR not Sponsored by the court pursuant to LR 16-4(e)(1).

(b) That the court refer this case to mediation using a Court-sponsored mediator or staff mediator (See LR 16-4(f) for Court-sponsored mediation procedures). The parties seek a Court mediator because:

(c) ADR may be helpful at a later date following completion of:

(d) The parties believe the court would be of assistance in preparing for ADR by:

(e) The parties do not believe that any form of ADR will assist in the resolution of this case.

(f) Other:

Glas-Weld and Michael Boyle agreed that non-binding ADR proceedings will not assist in the resolution of this case. They further agreed that binding ADR proceedings may be of assistance in resolution of this case. Glas-Weld offered to the following ADR proposals: (1) binding mediation or arbitration before Magistrate Judge Coffin; (2) binding mediation or arbitration before a mutually agreeable magistrate judge or Article 3 judge in Eugene or Oregon; or (3) binding mediation or arbitration before a mutually agreeable mediator or arbitrator. Defendants have rejected binding mediation or arbitration before Judge Coffin. Defendants did not comment further on Plaintiffs' remaining proposals. Defendants propose to do a binding arbitration or bench trial before Judge Aiken on all issues after the completion of any depositions and/or discovery. Glas-Weld does not believe that an ADR proceeding before the presiding trial judge is appropriate, and to the extent that

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a trial is necessary, Glas-Weld does not wish to waive its right to a jury trial.

Defendants have stated that they will file a separate ADR report.

DATED: November 24, 2014

COSGRAVE VERGEER KESTER LLP

/s/ Paul A. C. Berg

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