

1 BINGHAM MCCUTCHEN LLP
2 Colleen P. Doyle (SBN 122060)
3 colleen.doyle@bingham.com
4 Berj K. Parseghian (SBN 200932)
5 berj.parseghian@bingham.com
6 Jamie O. Kendall (SBN 260231)
7 jamie.kendall@bingham.com
8 355 South Grand Avenue, Suite 4400
9 Los Angeles, CA 90071-3106
10 Telephone: 213.680.6400
11 Facsimile: 213.680.6499

12 Attorneys for Plaintiff
13 EXXONMOBIL OIL CORPORATION

14 UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA

16 EXXONMOBIL OIL CORPORATION,

17 Plaintiff,

18 v.

19 NICOLETTI OIL, INC. *et al.*,

20 Defendants.

No. 1:09-cv-01498-AWI-DLB

**STIPULATION AND ORDER TO
WAIVE PRIVILEGE LOGS**

Judge: Hon. Anthony W. Ishii
Third Am. Compl. Filed: Oct. 8, 2010
Trial Date: Nov. 14, 2012

21 WHEREAS, this case involves an environmental cleanup site that has been the
22 subject of agency action and potential litigation for over twenty years;

23 WHEREAS, as a result, there are a large volume of documents relating to this
24 case that are claimed to be privileged;

25 WHEREAS, the parties recognize and acknowledge that the preparation of
26 privilege logs as described in Fed. R. Civ. Pro. 26(b)(5)(A) would be unreasonably burdensome
27 and expensive;

28 THEREFORE, IT IS HEREBY STIPULATED AND AGREED that the
requirements of Fed. R. Civ. Pro. 26(b)(5)(A) are waived, and the parties shall not be required to

No. 1:09-cv-01498-AWI-DLB

1 prepare privilege logs; this waiver does not affect a party's right to contest the withholding of
2 any purportedly privileged document.

3
4 DATED: October 27, 2011

BINGHAM MCCUTCHEN LLP

5 By: /s/ Berj K. Parseghian

6 Berj K. Parseghian
7 Attorneys for Plaintiff
8 ExxonMobil Oil Corporation

9 TATRO TEKOSKY SADWICK LLP

10 By: /s/ Steven R. Tekosky (as authorized on
11 October 27, 2011)

12 Steven R. Tekosky
13 Attorney for Defendants
14 Nicoletti Oil, Inc., Dino J. Nicoletti, and John A
15 Nicoletti

16 IT IS SO ORDERED.

17 Dated: October 31, 2011

/s/ Dennis L. Beck

18 UNITED STATES MAGISTRATE JUDGE