

LAW OFFICES  
WULFSBERG REESE COLVIG & FIRSTMAN  
PROFESSIONAL CORPORATION  
KAISER CENTER  
300 LAKESIDE DRIVE, 24<sup>TH</sup> FLOOR  
OAKLAND, CALIFORNIA 94612-3524  
Tel (510) 835-9100 • Fax (510) 451-2170

1 WULFSBERG REESE COLVIG & FIRSTMAN  
2 PROFESSIONAL CORPORATION  
3 H. James Wulfsberg, SBN 046192  
4 Gregory R. Aker, SBN 104171  
5 Stephen L. Cali, SBN 133923  
6 David J. Hyndman, SBN 193944  
7 Kaiser Center  
8 300 Lakeside Drive, 24<sup>th</sup> Floor  
9 Oakland, California 94612-3524  
10 Telephone: (510) 835-9100  
11 Facsimile: (510) 451-2170

8 LANG, RICHERT & PATCH  
9 Mark L. Creede, SBN 128418  
10 Matthew W. Quall, SBN 183759  
11 Fig Garden Financial Center  
12 5200 North Palm Avenue, Fourth Floor  
13 Fresno, CA 93704  
14 Telephone: (559) 228-6700  
15 Facsimile: (559) 228-6728

13 Attorneys for Plaintiff and Counterdefendant  
14 BLACK & VEATCH CORPORATION

15 **UNITED STATES DISTRICT COURT**  
16 **EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION**

18 BLACK & VEATCH CORPORATION,  
19  
20 Plaintiff,  
21  
22 vs.  
23 MODESTO IRRIGATION DISTRICT,  
24  
25 Defendant.

Case No. 1:11-cv-00695 LJO SKO

**STIPULATION AND ORDER  
REGARDING BLACK & VEATCH'S  
MOTION TO COMPEL PRODUCTION OF  
MID'S EMAILS AND ATTACHMENTS**

24 AND RELATED ACTIONS.

Date: **July 26, 2012**  
Time: **3:00 p.m.**  
Courtroom: **7**  
Judge: **Hon. Sheila K. Oberto**

Trial Date: July 16, 2013

**STIPULATION**

1  
2 Plaintiff and counterdefendant Black & Veatch Corporation and defendant and counter-  
3 claimant Modesto Irrigation District (MID) conducted a telephone conference with the Court, the  
4 Honorable Sheila K. Oberto, presiding, on July 26, 2012, at 3 PM, in a further attempt to resolve  
5 the disputes arising from Black & Veatch's motion to compel production of MID's emails and  
6 attachments. As a result of that conference, Black & Veatch and MID agree as follows:

7 1. As outlined in paragraph 3, below, MID agrees to share with Black & Veatch on an  
8 equal basis the cost of cataloging all backup tapes for its GroupWise emails and attachments, not  
9 to exceed \$28,930.00, as set forth in the Iris Data Service (IDS) proposal filed with the Court on  
10 July 25, 2012. Once cataloging of the tapes is complete, MID and Black & Veatch will discuss  
11 whether it is possible to reach an agreement on a cost-sharing arrangement for the balance of  
12 IDS's work in recovering the GroupWise emails and attachments.

13 2. To comply with NERC data security regulations applicable to MID, Black & Veatch  
14 agrees to provide MID the following information, before the backup tapes are released:

15 (a) the identity of each person at IDS, or at any subconsultant engaged by IDS to assist in  
16 performing the work, who will have access to the data contained on the backup tapes;

17 (b) the provisions in place for returning the tapes to MID following recovery of the  
18 GroupWise emails and attachments;

19 (c) assurances from IDS and any of its subconsultants that no copies of the backup tapes  
20 will be retained following recovery of the GroupWise emails and attachments;

21 (d) the entry of a protective order by the Court incorporating these terms, which Black &  
22 Veatch agrees to prepare, and the agreement of IDS and any of its subconsultants that they will be  
23 bound by the terms of the protective order.

24 3. Following the entry of a protective order as described in the preceding paragraph, MID  
25 agrees promptly to have IDS create encrypted copies of all backup tapes containing GroupWise  
26 emails and attachments, subject to the provisions of the stipulated protective order, so that IDS  
27 may immediately begin cataloging their contents.  
28

1 4. With respect to MID's emails and attachments from 2008 to the present, which MID  
2 previously produced in hard copy pursuant to Black & Veatch's CPRA requests, Black & Veatch  
3 agrees to provide MID by Friday, July 27, 2012, a revised list of search terms, narrowed in scope  
4 to attempt to reduce the number of emails produced by the search. MID agrees to promptly run a  
5 search of the emails, based on the search terms Black & Veatch provides, and to inform Black &  
6 Veatch of the results of that search no later than Tuesday, July 31, 2012. At that time, MID and  
7 Black & Veatch will attempt to agree on production of the emails, or on ways of further narrowing  
8 the search to emails relevant to the project in dispute in this case.

9 5. Counsel for Black & Veatch and MID will meet & confer by telephone on Tuesday,  
10 July 31, 2012, at 4:30 PM, to attempt to further resolve any and all remaining discovery issues  
11 with respect to the GroupWise emails and attachments and MID's 2008-present emails.

12 6. The Court will conduct a further telephone conference to discuss the parties' progress  
13 on each of the above-stated points Tuesday, August 7, 2012, at 11 AM. Counsel for Black &  
14 Veatch will set up the call.

15 7. The hearing on Black & Veatch's motion to compel production of MID's emails and  
16 other electronic records, currently on calendar for August 1, 2012, at 9:30 AM, shall be continued  
17 to Wednesday, August 22, at 9:30 AM.

18 DATED: July 30, 2012

WULFSBERG REESE COLVIG & FIRSTMAN  
PROFESSIONAL CORPORATION

19  
20 By /s/ Gregory R. Aker  
Gregory R. Aker

21  
22 Attorneys for Plaintiff and Counterdefendant  
BLACK & VEATCH CORPORATION

23  
24 DATED: July 30, 2012

McCORMICK, BARSTOW, SHEPPARD,  
WAYTE & CARRUTH, LLP

25  
26 By /s/ Stephen Carroll (As Authorized on 07/30/12)  
Stephen E. Carroll

27  
28 Attorneys for Defendant and Counterclaimant  
MODESTO IRRIGATION DISTRICT

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**ORDER**

Based upon the stipulation of Black & Veatch and MID, as set forth above, and good cause appearing therefor,

IT IS SO ORDERED.

Dated: July 31, 2012

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE