

DOWNEY BRAND LLP

1 DOWNEY BRAND LLP  
 WILLIAM R. WARNE (Bar No. 141280)  
 2 MICHAEL J. THOMAS (Bar No. 172326)  
 ANNIE S. AMARAL (Bar No. 238189)  
 3 621 Capitol Mall, 18th Floor  
 Sacramento, CA 95814-4731  
 4 Telephone: (916) 444-1000  
 Facsimile: (916) 444-2100  
 5 bwarne@downeybrand.com  
 mthomas@downeybrand.com  
 6 aamaral@downeybrand.com

7 Attorneys for Defendant/Cross-Defendant  
 SIERRA PACIFIC INDUSTRIES

8 UNITED STATES DISTRICT COURT  
 9 EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,  
 12 Plaintiff,  
 13 v.  
 14 SIERRA PACIFIC INDUSTRIES, et al.  
 15 Defendants.

Case No. 2:09-CV-02445-KJM-EFB

**STIPULATION AND ORDER  
 CONTINUING NON-DAMAGES  
 REBUTTAL EXPERT DISCLOSURE  
 DEADLINE**

17 AND RELATED CROSS-ACTIONS

18  
 19 Plaintiff the United States of America (“United States”) and Defendants/Cross-Defendants  
 20 Sierra Pacific Industries, Eunice Howell, individually and d/b/a/ Howell’s Forest Harvesting and  
 21 W.M. Beaty & Associates, Inc., Landowner Defendants (collectively “Defendants”) through their  
 22 respective counsel, hereby submit the following Stipulation and Proposed Order Continuing Non-  
 23 Damages Rebuttal Expert Disclosure Deadline.

**RECITALS**

24  
 25 1. On February 11, 2010, this Court entered its Status (Pre-trial Scheduling) Order  
 26 that, among other things, provided that amendment would only be allowed by leave of Court with  
 27 good cause shown. On August 31, 2010, this Court amended its Status (Pre-Trial Scheduling)  
 28 Order upon the request of Sierra Pacific, for good cause shown. Subsequently, on August 31,

1 2010, and March 15, 2011, the Court issued Minute Orders amending and resetting certain dates  
2 in the Status (Pre-trial Scheduling) Order. Pursuant to a stipulation submitted by the parties on  
3 March 25, 2011, the Court issued an order on March 28, 2011, that briefly extended the non-  
4 damages expert disclosure deadline by approximately one month to May 31, 2011. Additionally,  
5 pursuant to a stipulation submitted by the parties on May 19, 2011, the Court issued an order on  
6 May 23, 2011 that further extended expert-related deadlines, setting the Non-Damages Expert  
7 Disclosure Deadline on June 16, 2011.

8 2. On June 16, 2011, the parties exchanged their Non-Damages Expert Disclosures,  
9 disclosing a total of over forty experts.

10 3. Pursuant to Federal Rule of Civil Procedure 26(a)(2)(D)(ii), Non-Damages  
11 Rebuttal Expert Disclosures are presently due on July 18, 2011. The parties have agreed to  
12 extend this deadline by one week, from July 16, 2011, until July 25, 2011.

13 4. A one week continuance of the Non-Damages Rebuttal Expert Disclosure deadline  
14 will not affect the rest of the schedule or deadlines in this action.

### 15 **STIPULATION**

16 Based on the foregoing recitals, the parties hereby STIPULATE that:

17 1. The deadline to serve Non-Damages Rebuttal Expert Disclosures is continued  
18 from July 16, 2011, to July 25, 2011.

19 2. This continuance will not affect the rest of the schedule or deadlines in this action.

20 3. All remaining dates and deadlines as set by the Court in its August 31, 2010  
21 Order, and as modified by the Court's August 31, 2010, March 15, 2011, March 28, 2011, and  
22 May 23, 2011 Orders, are otherwise unaffected by this Stipulation and Proposed Order.

23 4. By entering into this stipulation, none of the parties waive any rights or arguments  
24 that they may otherwise have with respect to their ability to request additional continuances in  
25 this action if necessary.

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IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED: July , 2011

U.S. ATTORNEY’S OFFICE

By:  /s/ Kelli Taylor  
KELLI TAYLOR  
Attorneys for Plaintiff  
UNITED STATES OF AMERICA

DATED: July , 2011

DOWNEY BRAND LLP

By:  /s/ William R. Warne  
WILLIAM R. WARNE  
Attorneys for Defendant/Cross-Defendant  
SIERRA PACIFIC INDUSTRIES

DATED: July , 2011

RUSHFORD & BONOTTO, LLP

By:  /s/ Phil Bonotto  
PHIL BONOTTO  
Attorneys for Defendants/Cross-Defendants  
EUNICE HOWELL, INDIVIDUALLY and d/b/a  
HOWELL’S FOREST HARVESTING

DATED: July , 2011

MATHENY SEARS LINKERT & JAIME, LLP

By:  /s/ Richard S. Linkert  
RICHARD S. LINKERT  
Attorneys for Defendants/Cross-Claimants  
W.M. BEATY & ASSOCIATES and  
LANDOWNER DEFENDANTS  
(Brooks Walker et al.)

DOWNEY BRAND LLP

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**ORDER**

This matter came before the Court on the parties' Stipulation To Continue Non-Damages Rebuttal Expert Disclosure Deadline. For the reasons stated in the Stipulation and for good cause showing, the Court ADOPTS the Stipulation and GRANTS the relief requested therein.

Accordingly, IT IS HEREBY ORDERED THAT the Non-Damages Rebuttal Expert Disclosure Deadline is now July 25, 2011. All other dates and deadlines as set by the Court's August 31, 2010 Order, and as modified by the Court's August 31, 2010, March 15, 2011, March 28, 2011, and May 23, 2011 Orders, remain as set and are otherwise unaffected by this Order.

IT IS SO ORDERED.

DATED: July 6, 2011.

  
UNITED STATES DISTRICT JUDGE