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 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.

24 **RECITALS**

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 a stipulation submitted by the parties on July 5, 2011, the Court issued
11 an order on July 7, 2011, that extended the Non-Damages Rebuttal Expert Disclosure deadline by
12 approximately one week, to July 25, 2011. The parties have agreed to extend the rebuttal expert
13 deadline by an additional week, from July 25, 2011, until August 1, 2011.

14 4. The parties agreed to this extension because the United States contends that Sierra
15 Pacific had an obligation to produce certain information at the time of its initial non-damages
16 expert disclosures. Sierra Pacific disputes that the information the United States has indentified
17 needed to be produced in the context of initial non-damages expert disclosures. In an effort to
18 resolve this dispute without motion practice now, the parties have agreed to a mutual exchange of
19 certain information and to extend the rebuttal expert deadline by an additional week, from July
20 25, 2011, until August 1, 2011. The United States does not waive any rights to raise this issue in
21 future motion practice.

22 4. An additional one week continuance of the Non-Damages Rebuttal Expert
23 Disclosure deadline will not affect the rest of the schedule or deadlines in this action.

24 **STIPULATION**

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

26 1. The deadline to serve Non-Damages Rebuttal Expert Disclosures is continued
27 from July 25, 2011, to August 1, 2011.

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DATED: July 19, 2011

MATHENY SEARS LINKERT & JAIME, LLP

By: /s/ Richard S. Linkert (as authorized on 7/20/11)

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

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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 August 1, 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, May 23, 2011 and July 7, 2011 Orders, remain as set and are otherwise unaffected by this Order.

IT IS SO ORDERED.

DATED: July 22, 2011.


UNITED STATES DISTRICT JUDGE