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 7

8 IN THE UNITED STATES DISTRICT COURT
 9 FOR THE 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 FOR PARTIAL
 RESOLUTION OF THE UNITED STATES'
 MOTION TO COMPEL SIERRA PACIFIC
 INDUSTRIES' RESPONSES TO
 INTERROGATORIES AND REQUESTS FOR
 PRODUCTION OF DOCUMENTS

Date: August 10, 2011
 Time: 10:00 a.m.
 Courtroom: Courtroom 24
 Trial Date: March 14, 2012

16 _____
 17 AND RELATED CROSS ACTIONS
 18 _____

19 Plaintiff the United States and Defendant Sierra Pacific Industries, by and through their
 20 respective counsel of record, hereby submit the following stipulation to partially resolve the United
 21 States' pending Motion to Compel:
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23 **I. RECITALS**

24 1. This action arises from a fire known as the Moonlight Fire that ignited on private land
 25 adjacent to the Plumas National Forest on September 3, 2007.

26 2. On July 20, 2011, the United States filed a notice of motion to compel Sierra Pacific's
 27 responses to specified interrogatories and requests for production of documents. (Court Docket ("CD")
 28 #248.) On August 3, 2011, the parties filed a joint statement, chart of disputed discovery and
 declarations and exhibits regarding this discovery dispute. (CD #260, 261.) The parties continued to

1 meet and confer and have now partially resolved the matters at issue in the motion as specified herein.

2 **II. STIPULATION**

3 1. Sierra Pacific Industries will provide supplemental responses to the United States’
4 interrogatories, set one, Nos. 1, 9, 12, 18, 20-23.

5 2. Sierra Pacific Industries will provide supplemental responses to the United States’
6 requests for production, set one, Nos. 44, 45, 48-51.

7 3. Sierra Pacific Industries will provide supplemental responses to the United States’
8 requests for production, set two, Nos. 127, 130, 148, 159, 172-178, 199-202.

9 4. Sierra Pacific Industries will provide supplemental responses to the United States’
10 requests for production, set three, Nos. 218-219, 222-224, 227-229, 230-234, 256, 258-261, 334-336,
11 398-401, 403-404, 406-407, 434-437.

12 5. Sierra Pacific Industries will provide supplemental responses to the United States’
13 requests for production, set four, No. 490.

14 6. Sierra Pacific Industries will also make a supplemental production of documents as
15 indicated in its supplemental responses.

16 7. The United States will withdraw from the Motion to Compel requests Nos. 142, 145,
17 220, 225, 226, 263, 398, 442, and 492.

18 8. The requests that the United States and SPI were unable to reach an agreement on and
19 that remain the only issues in the pending motion to compel are requests Nos. 137, 491 (John Forno
20 personnel file and position application); Nos. 77, 443 (methodology/calculation other fires); Nos. 235-
21 240 (Fred’s fire damages); and No. 441 (all docs re equipment caused fires).

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1 IT IS SO STIPULATED.

2 Respectfully submitted,

3 BENJAMIN B. WAGNER
4 United States Attorney

5 Date: August 9, 2011

6 By: /s/ Kelli L. Taylor
7 KELLI L. TAYLOR
8 RICHARD ELIAS
9 Assistant United States Attorneys
10 Attorneys for the United States of America
11 DOWNEY BRAND, LLP

12 Date: August 9, 2011


13 By: /s/ Annie Amaral
14 ANNIE AMARAL
15 MEGHAN BAKER
16 Attorneys for Defendant/Cross-Defendant
17 Sierra Pacific Industries

18 **ORDER**

19 The Court hereby approves the partial resolution of the United States' motion to compel Sierra
20 Pacific Industries' responses to requests for production of documents and interrogatories. The
21 remaining matters will be addressed at the discovery hearing scheduled for August 10, 2011.

22 IT IS SO ORDERED.

23 Date: August 10, 2011.

24 
25 Honorable Edward J. Edmund F. Brennan
26 United States Magistrate Judge
27 Eastern District of California