

1 Law Offices of
2 **MATHENY SEARS LINKERT & JAIME, LLP**
3 RICHARD S. LINKERT, ESQ. (SBN 88756)
4 KATHERINE E. UNDERWOOD, ESQ. (SBN 249308)
5 3638 American River Drive
6 Sacramento, CA 95864
7 Telephone: (916) 978-3434
8 Facsimile: (916) 978-3430
9
10 Attorneys for Defendant, WESTERN
11 ENVIRONMENTAL CONSULTANTS, INC.

12 UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 PACIFIC GAS AND ELECTRIC
18 COMPANY and WESTERN
19 ENVIRONMENTAL CONSULTANTS,
20 INC.,

21 Defendants.

Case No. 2:09-cv-02877 GEB EFB

**STIPULATION AND [PROPOSED] ORDER
CONTINUING EXPERT DISCLOSURE
DEADLINES**

22 Plaintiff United States of America, and Defendants Pacific Gas and Electric Company
23 (PG&E) and Western Environmental Consultants, Inc. (WECI), through their counsel of record,
24 respectfully request a continuance of the expert disclosure deadlines due to the following:

25 1. The United States of America filed *United States v. Pacific Gas and Electric Co.*,
26 Case No. 2:09-cv-02877 GEB EFB on October 15, 2009 and subsequently filed the related matter
27 of *United States v. Western Environmental Consultants, Inc.*, Case No. 2:10-cv-01875 WBS
28 DAD on July 16, 2010. On September 28, 2010, the Court consolidated these matters, and, per
the parties' stipulation, modified the schedule under the previously-filed case [Doc. #20].

2. Under the modified schedule, initial experts must be disclosed by April 18, 2011,
rebuttal experts must be disclosed by May 16, 2011, and discovery must be completed by July 18,

1 2011.

2 3. Due to the remote location of the alleged area of origin (approximately two hours
3 east of Eureka, California on United States Forest Service roads) and recent weather
4 complications, WECI has not been able to conduct a site visit to date. Weather permitting,
5 WECI's experts are currently scheduled to conduct an inspection of the alleged area of origin on
6 or about April 12 – 13, 2011. Therefore, WECI needs more time to complete its site inspection
7 and produce the necessary expert reports.

8 4. Based upon the foregoing, the parties have agreed to extend the expert disclosure
9 deadlines as follows:

<u>Event</u>	<u>Current Date</u>	<u>New Date</u>
11 Initial Expert(s) Disclosures	April 18, 2011	June 20, 2011
12 Rebuttal Expert Disclosures	May 16, 2011	July 20, 2011
13 Discovery Cutoff	July 18, 2011	August 20, 2011

14 5. The new dates shall govern both of the consolidated actions.

15 6. The parties are not requesting that any other dates in the pre-trial scheduling order
16 be modified at this time. However, by entering this stipulation, the parties do not waive any
17 parties' right to move the Court at a later time to modify any date in the pre-trial scheduling order,
18 including, but not limited to, the trial date.

19 Dated: March 14, 2011

MATHENY SEARS LINKERT & JAIME, LLP

21
22 By: /s/ RICHARD S. LINKERT
23 RICHARD S. LINKERT
24 Attorneys for Defendant WESTERN
25 ENVIRONMENTAL CONSULTANTS, INC.
26
27
28

