

1 JAMES E. SIMON – SBN 62792
 2 PETER H. CUTTITTA – SBN 76176
 3 BRIAN C. HANLEY – SBN 229729
 4 **PORTER SIMON**
 5 Professional Corporation
 6 40200 Truckee Airport Road, Suite 1
 7 Truckee, CA 96161
 8 Telephone: (530) 587-2002
 9 Facsimile: (530) 587-1316

10 Attorneys for Plaintiff
 11 TRUCKEE DONNER PUBLIC UTILITY DISTRICT

12 **UNITED STATES DISTRICT COURT**
 13 **EASTERN DISTRICT OF SACRAMENTO**

14 TRUCKEE DONNER PUBLIC UTILITY)
 15 DISTRICT,)
 16)
 17 Plaintiff,)
 18)
 19 vs.)
 20)
 21 GREGORY LEE HUNT, dba HUNT’S)
 22 EXCAVATING; UNITED STATES OF)
 23 AMERICA, DEPARTMENT OF THE)
 24 TREASURY – INTERNAL REVENUE)
 25 SERVICE; LABOR COMMISSIONER)
 26 OF THE STATE OF CALIFORNIA –)
 27 DIVISION OF LABOR STANDARDS)
 28 ENFORCEMENT, and DOES 1 through)
 29 20, inclusive,)
 30)
 31 Defendants.)

Case No.: 2:11-CV-00213-FCD-EFB

**STIPULATION AND ORDER TO FILE
 FIRST AMENDED COMPLAINT IN
 INTERPLEADER**

IT IS HEREBY STIPULATED by and between the parties having appeared in this case, through their respective counsel of record, that the Plaintiff Truckee Donner Public Utility District may file its First Amended Complaint in Interpleader pursuant to Federal Rule of Civil Procedure 15(a)(2), which first amendment is sought (i) to replace Defendant United States of America, Department of Treasury – Internal Revenue Service with Defendant United States of

1 America, (ii) to add Defendant First National Insurance Company of America as a Defendant, and
2 (iii) to amend certain allegations in light of the removal of this case from California Superior
3 Court by Defendant United States of America. A true and correct copy of the proposed First
4 Amended Complaint is marked **Exhibit A**, attached hereto and incorporated herein by reference.

5 IT IS HEREBY FURTHER STIPULATED by and between the parties having appeared in
6 this case, through their respective counsel of record, that the parties may supplement or amend the
7 Joint Status Report within thirty (30) days of service of the new Defendant, First National
8 Insurance Company of America, in this matter.

9 DATED: March 29, 2011

PORTER SIMON

Professional Corporation

/s/_____

JAMES E. SIMON

Attorneys for Plaintiff

TRUCKEE DONNER PUBLIC UTILITY
DISTRICT

14 DATED: March 29, 2011

BENJAMIN B. WAGNER

United States Attorney

/s/ Richard A. Schwartz

RICHARD A. SCHWARTZ (#267469)

Trial Attorney, Tax Division

U.S. Department of Justice

P.O. Box 683, Ben Franklin Station

Washington, D.C. 20044-0683

Telephone: (202) 307-6322

Attorneys for the United States of America

21 DATED: March 29, 2011

/s/_____

RAMON YUEN-GARCIA

Attorneys for Defendant

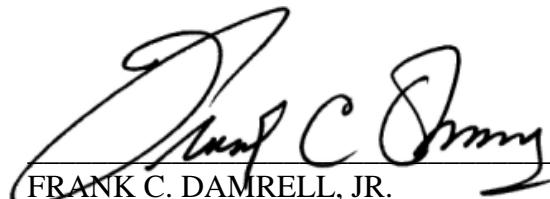
LABOR COMMISSIONER OF THE

STATE OF CALIFORNIA – DIVISION OF

LABOR STANDARDS ENFORCEMENT

25 **IT IS SO ORDERED.**

26 DATED: March 30, 2011



FRANK C. DAMRELL, JR.

UNITED STATES DISTRICT JUDGE