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UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

GLOBAL COMMUNITY MONITOR, a California nonprofit corporation; LABORERS' INTERNATIONAL UNION OF NORTH AMERICA LOCAL UNION NO. 783, an organized labor union; RANDAL SIPES, JR., an individual; RUSSEL COVINGTON, an individual;

Plaintiffs,

Attorneys for Defendants

∥ v.

21 MAMMOTH PACIFIC, L.P., a California
22 Limited Partnership; ORMAT NEVADA,
INC., a Delaware Corporation; ORMAT
TECHNOLOGIES, INC. a Delaware
Corporation; and DOES I-X, inclusive,

Defendants.

Case No. 2:14-cv-01612-MCE-KJN

STIPULATION AND ORDER REGARDING DISCOVERY OF FINANCIAL INFORMATION FROM DEFENDANTS

Honorable Kendall J. Newman

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RECITALS

1. On May 22, 2015, Plaintiffs propounded their First Set of Requests for Production of Documents on Defendants ("Plaintiffs' First RFPs"). Plaintiffs' RFP Nos. 37-60 sought financial information from each of the Defendants, including cash flow statements, income statements and balance sheets, audited and unaudited financial statements, loan applications, prospectuses, capital budgets and tax returns.

- On June 24, 2015, Defendants served their Objections and Responses to Plaintiffs' First RFPs. Defendants objected to each request seeking financial information on the grounds that those requests were not reasonably calculated to the discovery of admissible evidence and unduly burdensome and that they sought documents that were not relevant to the claims or defenses at issue in this action.
- 3. After negotiation, the parties reached a compromise regarding the discovery of Defendants' financial information which is reflected in the Stipulation below:

STIPULATION

The Parties, by and through their respective counsel of record, stipulate as follows:

- Defendants agreed to assemble, Bates-number and produce all publicly-available financial information reflected in 10-Qs and 10-Ks submitted by Defendants to the United States Securities and Exchange Commission, and to do so on or before March 18, 2016;
- 2. In the event the Court grants a dispositive motion brought by Plaintiffs and enters a finding of liability against any or all Defendants under either the federal Clean Air Act or Great Basin Unified Air Pollution Control District Rule 209 ("Rule 209"), Defendants agree to disclose the information sought under Plaintiffs' RFP Nos. 37-60 within thirty (30) days from the date of the Court's Order;
- 3. In order to prevent a delay in the Court's ruling on Plaintiffs' dispositive motion regarding Defendants' liability under either the federal Clean Air Act or Rule 209 from prejudicing Plaintiffs, if the Court has not entered an order on Plaintiffs' dispositive motion by November 30, 2016, Defendants agree to produce documents responsive to Plaintiffs' RFP Nos. 37-60 by that date.

STIPULATION AND ORDER REGARDING DISCOVERY OF FINANCIAL INFORMATION FROM DEFENDANTS - 2

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ORDER

The court APPROVES the parties' stipulation regarding the discovery of financial information from defendants, as outlined above. However, the parties are advised that, to the extent that the parties agreed to produce documents or conduct other discovery beyond the deadlines outlined in the operative pretrial scheduling order, such an agreement will not be enforced by the court through formal motion practice after the applicable discovery deadline(s) have passed. As such, the parties are strongly encouraged to seek modification of the deadlines in the pretrial scheduling order from Judge England to formally facilitate such discovery efforts. Such modification may be sought by virtue of an appropriate stipulation and proposed order, setting forth good cause for modification of the scheduling order.

IT IS SO ORDERED.

Dated: May 9, 2016

UNITED STATES MAGISTRATE JUDGE

HOLLAND & HART LLP 222 So. Main Street, Suite 2200 Salt Lake City, Utah 84101

CERTIFICATE OF SERVICE

I hereby certify that on May 3, 2016, I electronically filed the foregoing Stipulation and Order on Regarding Discovery of Financial Information from Defendants via CM/ECF, in compliance with the Federal Rules of Civil Procedure and LR-133(a). Service on all registered participants will be accomplished by CM/ECF on the following:

Richard T. Drury Douglas Chermak Lozeau Drury LLP 410 12th Street, Suite 250 Oakland, CA 94607 Richard@lozeaudrury.com Doug@lozeaudrury.com

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/ Barbara Thurgood

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STIPULATION AND ORDER REGARDING DISCOVERY OF FINANCIAL INFORMATION FROM DEFENDANTS - 5