

1 On April 10, 2017, an informal telephonic conference was held in these matters before the
2 undersigned to address Lennar Mare Island, LLC's ("Lennar") and Steadfast Insurance
3 Company's ("Steadfast") remaining dispute regarding the depositions of Steve Hatch and John
4 Mahoney, two apex witnesses. Attorney Ryan Werner appeared telephonically on behalf of
5 Lennar. Attorney John Purcell appeared telephonically on behalf of Steadfast. Attorneys John
6 McConkie and Jonathan Jacobson appeared telephonically on behalf of intervenor plaintiff United
7 States. Attorney Amanda Hairston appeared telephonically on behalf of counterclaimant/counter
8 defendant CH2M Hill Constructors, Inc.

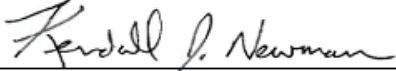
9 Based on the parties' brief joint statement regarding this discovery dispute and the parties'
10 oral arguments, and for the reasons discussed both in the court's order filed on March 24, 2017,
11 and during the telephonic conference, IT IS HEREBY ORDERED that:

- 12 1. Lennar may take the deposition of John Mahoney, which is currently scheduled for
13 April 12, 2017, at 9:00 A.M. However, Lennar is limited to a total of three (3)
14 consecutive hours in which to take John Mahoney's deposition.¹
- 15 2. Lennar may not take the deposition of Steve Hatch.

16 IT IS SO ORDERED.

17 Dated: April 12, 2017

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19 KJN/amd

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20 KENDALL J. NEWMAN
21 UNITED STATES MAGISTRATE JUDGE

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27 ¹ As the undersigned noted during the telephonic conference, just because Lennar is permitted to
28 take John Mahoney's deposition does not mean that that deposition needs to occur. The parties
may instead choose to stipulate to certain facts that alleviate any need for that deposition.