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CANNATA, O'TOOLE, FICKES & ALMAZAN
THERESE Y. CANNATA
KIMBERLY A. ALMAZAN
100 Pine Street, Suite 350
San Francisco, CA 94111
Telephone: 415.409.8900 / Facsimile: 415.409.8904

Attorneys for Defendants
ROGER J. LAPANT, JR. and J&J FARMS

JEFFREY H. WOOD
Acting Assistant Attorney General
ANDREW J. DOYLE
JOHN THOMAS H. DO
United States Department of Justice
Environmental and Natural Resources Division
P.O. Box 7611
Washington, DC 20044
Telephone: (202) 514-4427 (Doyle), (202) 514-2593 (Do)

McGREGOR W. SCOTT
United States Attorney
GREGORY T. BRODERICK
Assistant United States Attorney
501 I Street, Suite 10-100
Sacramento, CA 95814
Telephone: (916) 554-2780

Attorneys for the UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
ROGER J. LAPANT, JR., *et al.*,
Defendants.

Case No. 2:16-cv-01498-KJM-DB

**STIPULATION AND
ORDER FOR LIMITED
SUPPLEMENTAL REPORTS**

1 Plaintiff United States of America and Defendants Roger J. LaPant, Jr. and J&J Farms
2 hereby stipulate and propose that the Court grant leave to the United States to have one of its
3 retained experts, Joan K. Meyer, Ph.D., produce updated or “supplemental” expert reports by
4 July 31, 2018, on the subject of Mr. LaPant’s ability to pay and economic benefit. Under case
5 management Order(s) entered in this case (ECF Nos. 27, 32, 56), a party must obtain leave of
6 Court to produce a “supplemental” expert report. The United States submits, and the LaPant
7 Defendants do not dispute, that good cause supports such a request here, as set forth below.

8 1. Over the past several months, the United States and the LaPant Defendants have
9 been meeting and conferring about the completeness of the LaPant Defendants’ production of
10 documents that the United States asserts is relevant to Mr. LaPant’s ability to pay and economic
11 benefit. *See* Motion to Compel dated March 16, 2018 (ECF Nos. 53); *see also* Notice of
12 Rescheduling Hearing on Motion to Compel dated July 9, 2018 (ECF No. 72).

13 2. As these discussions have progressed, the LaPant Defendants have been
14 producing documents on a rolling basis, including close in time and subsequent to June 5, 2018,
15 which was the deadline for “opening expert reports” on the subject of ability to pay and
16 economic benefit as set forth in the Court’s latest scheduling Order dated April 6, 2018 (ECF No.
17 56).

18 3. On June 5, 2018, as relevant here, Dr. Meyer produced two opening expert
19 reports, one on the subject of Mr. LaPant’s ability to pay and the other on the subject of his
20 economic benefit. Dr. Meyer noted in both reports that, with respect to documents produced by
21 the LaPant Defendants on or after May 23, 2018, she lacked sufficient time to meaningfully
22 consider such information’s import, if any, in reaching her conclusions.

23 4. On June 5, 2018, the LaPant Defendants also produced an expert report within the
24 scope of the foregoing subjects.

25 5. Under the Court’s latest scheduling Order (ECF No. 56), the next deadline for
26 expert reports on the subject of Mr. LaPant’s ability to pay and economic benefit is July 31,
27 2018, when “responsive expert reports” on those subjects are due.
28

1 6. By July 31, 2018, the United States expects to produce a responsive expert report
2 from Dr. Meyer in light of the opening expert report produced by the LaPant Defendants on June
3 5, 2018.

4 7. In light of documents that the LaPant Defendants produced on or after May 23,
5 2018, Dr. Meyer would like to update or supplement her June 5, 2018 opening expert reports on
6 Mr. LaPant's ability to pay and economic benefit to explain whether and to what degree the
7 addition information changes her original opinions. The United States proposes that any
8 supplemental or updated reports also be due on July 31, 2018, the deadline for responsive expert
9 reports.

10 8. The United States contends, and the LaPant Defendants do not dispute, that this
11 request represents a fair and efficient approach. It would allow Dr. Meyer the opportunity to
12 consider new information that was not produced in time for her to meaningfully consider it
13 previously, while providing notice to the LaPant Defendants about Dr. Meyer's views on the
14 import of such information.

15 9. The LaPant Defendants reserve all of their rights regarding the content of Dr.
16 Meyer's upcoming reports, except that they may not argue that it was improper for her to update
17 or supplement her June 5, 2018 reports in light of documents produced by the LaPant Defendants
18 on or after May 23, 2018.

19 STIPULATED AND RESPECTFULLY SUBMITTED,

20 DATED: July 27, 2018

21 CANNATA, O'TOOLE, FICKES & ALMAZAN LLP

22 By: /s/ Kimberly A. Almazan

23 *(authorized the United States via email 7/26/2018)*

24 KIMBERLY A. ALMAZAN

25 Attorneys for Defendants ROGER J. LAPANT, Jr.,
26 and J&J FARMS

27 JEFFREY H. WOOD

28 Acting Assistant Attorney General

By: /s/ Andrew J. Doyle

ANDREW J. DOYLE

Attorneys for Plaintiff UNITED STATES OF
AMERICA

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ORDER

Upon due consideration, and good cause shown, the Court approves and enters the foregoing stipulation as an Order, *nunc pro tunc*. By July 31, 2018, the United States may produce updated or supplemental expert reports from Joan K. Meyer, Ph.D., on the subject of Roger J. LaPant, Jr.'s ability to pay and economic benefit in light of documents produced by the LaPant Defendants on or after May 23, 2018.

DATED: July 27, 2018 (*nunc pro tunc*)


UNITED STATES DISTRICT JUDGE