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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

SHASTA STRATEGIC INVESTMENT )  
FUND, LLC; AND PRESIDIO GROWTH )  
LLC (Tax Matters Partner), )  
 )  
Petitioners, )  
 )  
vs. )  
 )  
UNITED STATES OF AMERICA, )  
 )  
Respondent. )

**CASE NO. C-04-4264-RS**  
(Related to Case Nos. C-04-4309-RS, C-04-4398-RS, C-04-4964-RS, C-05-1123-RS, C-05-1996-RS, C-05-2835-RS, and C-05-3887-RS)

**STIPULATION TO REOPEN  
DISCOVERY FOR LIMITED PURPOSES  
AS MODIFIED BY THE COURT**

**STIPULATION TO REOPEN DISCOVERY FOR LIMITED PURPOSES**

1 Pursuant to Fed. R. Civ. P. 29 and Local Rule 6-2, Petitioners Presidio Growth, LLC and  
2 Presidio Resources, LLC ("Presidio"), Intervenors J. Paul Reddam and Clarence Ventures, LLC,  
3 Intervenors Tom Gonzales and Birch Ventures, LLC ("collectively, the Intervenors"), and  
4 Respondent, the United States, hereby request that the Court permit discovery in this case to be re-  
5 opened for the following enumerated limited purposes until November 14, 2013:  
6

- 7 • The United States intends to supplement its prior discovery responses to Presidio  
8 within four weeks of the date of this stipulation. The United States shall produce  
9 copies of these updated responses, as well as any additional documents produced to  
10 Presidio, to the Intervenors, with the understanding that the sharing of these limited  
11 items is not to be construed as opening the door to additional discovery requests from  
12 the Intervenors, or in any other way expanding the United States' obligations to  
13 provide information to the Intervenors.  
14
- 15 • The Intervenors intend to move the court in *United States v. Stein* (SDNY-05-CF-0888)  
16 to modify the protective order in that case to allow disclosure by Presidio of documents  
17 obtained through discovery in that case ("*Stein* documents") to other parties in this  
18 case, and to allow all parties in this case to utilize, in this case, any documents so  
19 disclosed, subject to the Federal Rules of Civil Procedure, Federal Rules of Evidence,  
20 and any objections that are sustained in this case by the Court. As a condition for  
21 counsel for the United States in this case not objecting to the Intervenors' motion and  
22 agreeing to this stipulation, Intervenors and Presidio agree and stipulate to produce  
23 copies to the United States of all *Stein* documents disclosed by Presidio to Intervenors  
24 (copies of which will be produced to the United States as soon as reasonably feasible);  
25 and Presidio agrees and stipulates to produce copies to the United States of all *Stein*  
26 documents, if any, that Presidio may utilize in their case-in-chief at trial.  
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STIPULATION TO REOPEN DISCOVERY FOR LIMITED PURPOSES - 3

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- The parties stipulate to the taking of depositions of designated trial witnesses that have not yet been deposed in this case. But in so stipulating, counsel for the United States does not agree, at this time, to use of any such depositions in connection with pending dispositive motions.

The above-named parties further request that the Court hold in abeyance any ruling on pending motions for summary judgment until the close of the additional discovery period.

Respectfully submitted this 24th day of July, 2013.

/s/ Steven M. Bauer  
STEVEN M. BAUER  
Latham & Watkins  
Attorneys for Petitioners


/s/ James E. Weaver  
JAMES E. WEAVER  
Trial Attorney, Tax Division, Dept of  
Justice, Attorney for Respondent

/s/ Jessica C. Munk  
JESSICA C. MUNK  
Law Office of David W. Wiechert, Attorney for  
Intervenors J. Paul Reddam and Clarence Ventures

/s/ Dashiell C. Shapiro  
DASHIELL C. SHAPIRO  
Wood LLP, Attorney for Intervenors  
Tom Gonzales and Birch Ventures

**PURSUANT TO STIPULATION, IT IS SO ORDERED.** Discovery shall be reopened for the above-mentioned limited purposes to November 14, 2013. For administrative purposes, the pending motions shall be denied without prejudice. The Government may simply renounce the motions by filing a request.

Dated: 7/24/13

  
Honorable Richard Seeberg  
United States District Judge