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14 Attorneys for UNITED STATES DEPARTMENT OF THE  
 INTERIOR, NATIONAL PARKS SERVICE, and SEQUOIA  
 15 AND KINGS CANYON NATIONAL PARKS  
 16

17 UNITED STATES DISTRICT COURT  
 18 NORTHERN DISTRICT OF CALIFORNIA  
 19 SAN FRANCISCO DIVISION  
 20

21 HIGH SIERRA HIKERS ASSOCIATION,  
 22 Plaintiff,  
 23 v.  
 24 UNITED STATES DEPARTMENT OF THE  
 INTERIOR, et al.,  
 25 Defendants.  
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Case No. C 08-1079 SC  
 STIPULATION AND [~~PROPOSED~~]  
 ORDER REGARDING TREATMENT  
 OF PRIVILEGED AND  
 CONFIDENTIAL DOCUMENTS  
 Honorable Elizabeth D. Laporte

1 Plaintiff High Sierra Hikers Association (“High Sierra”) and Defendants United States  
2 Department of the Interior, National Parks Service, and Sequoia and Kings Canyon National  
3 Parks (together “Defendants”), collectively referred to as the “Parties,” by and through their  
4 respective counsel, stipulate as follows:

5 1. the Parties are attempting to settle this matter with the assistance of Magistrate Judge  
6 Laporte;

7 2. one of the remaining disputed issues is whether High Sierra should recover some or all  
8 of its attorneys’ fees and costs and, if so, in what amount (“Fee Claim”);

9 3. to help Defendants evaluate High Sierra’s Fee Claim and settlement demand, High  
10 Sierra will provide Defendants with copies of its counsel’s billing and cost records (“Billing  
11 Materials”);

12 4. before producing the Billing Materials, High Sierra shall mark them with Bates  
13 numbers and as “Billing Materials; For Settlement Purposes Only;”

14 5. High Sierra considers the Billing Materials to privileged and confidential, subject to  
15 both the attorney-client privilege and the work-product doctrine;

16 6. by disclosing the Billing Materials to Defendants, High Sierra does not intend to, and  
17 is not, waiving any or all confidentiality and privilege protections;

18 7. by receiving the Billing Materials, Defendants agree that High Sierra is not waiving  
19 any confidentiality and privilege protections as to those documents and further agree that they  
20 will not use in any way High Sierra’s production of the Billing Materials in this settlement  
21 context as a basis for claiming or arguing, in whole or in part, that High Sierra has waived any  
22 applicable privilege, however Defendants contend that the Billing Materials are not confidential  
23 or privileged and would be subject to disclosure to Defendants in connection with any motion  
24 about a Fee Claim;

25 8. Defendants agree that the Billing Materials, and any information derived there from,  
26 shall only be disclosed to and viewed by Assistant United States Attorney Michael T. Pyle and  
27 United States Department of the Interior Assistant Field Solicitor Deborah S. Bardwick unless  
28 Defendants obtain advance written permission from High Sierra to do so, however, Mr. Pyle and

1 Ms. Bardwick may share their assessment of the Billing Materials and the total dollar amount of  
2 the Fee Claim with their respective superiors for purposes of obtaining any necessary approvals to  
3 settle the Fee Claim, so long as they do not disclose any of the content of the Billing Materials;

4 9. subject to the provisions and agreements set forth above, High Sierra agrees that the  
5 Billing Materials may be disclosed to Judge Laporte solely in connection with efforts to settle this  
6 matter;

7 10. Defendants shall not make copies of any portion or all of the Billing Materials unless  
8 Defendants obtain advance written permission from High Sierra to do so;

9 11. if this matter does not settle, at the conclusion of the Parties' settlement discussions  
10 (and in any case prior to the due date for filing summary judgment motions), Defendants shall  
11 return all Billing Materials to High Sierra's counsel and shall destroy any notes or other work  
12 product that contains any information obtained from the Billing Materials; and

13 12. within ten calendar days after complying with Paragraph 11 above, Defendants shall  
14 provide High Sierra with written notice that they have complied with Paragraph 11.

15 Respectfully submitted,

16 Dated: January 28, 2009

BROOKS M. BEARD  
ANGELA E. KLEINE  
MORRISON & FOERSTER LLP

17 By: /s/ Brooks M. Beard  
BROOKS M. BEARD

18 Attorneys for Plaintiff HIGH SIERRA HIKERS  
19 ASSOCIATION

20 Dated: January 28, 2009

JOSEPH P. RUSSONIELLO  
United States Attorney

21 By: /s/ Michael T. Pyle  
MICHAEL T. PYLE  
Assistant United States Attorney

22 Attorneys for UNITED STATES  
23 DEPARTMENT OF THE INTERIOR,  
24 NATIONAL PARKS SERVICE, and SEQUOIA  
25 AND KINGS CANYON NATIONAL PARKS  
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**ATTESTATION OF E-FILED SIGNATURE**

I, Brooks M. Beard, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order Regarding Treatment of Privileged and Confidential Documents. In compliance with General Order 45, X.B., I hereby attest that Michael T. Pyle has concurred in this filing.

Dated: January 28, 2009

By: /s/ Brooks M. Beard  
BROOKS M. BEARD

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~~PROPOSED~~ ORDER

The agreements and requirements set forth in the Parties' stipulation are adopted as an Order of this Court.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: January 29, 2009

Elizabeth  
United States

