

1 ERIC J. AMDURSKY (S.B. # 180288)
 eamdursky@omm.com
 2 ANNA-ROSE MATHIESON (S.B. # 231770)
 amathieson@omm.com
 3 O'MELVENY & MYERS LLP
 Two Embarcadero Center, 28th Floor
 4 San Francisco, CA 94111
 Telephone: (415) 984-8700
 5 Facsimile: (415) 984-8701

6 *Attorneys for Pattern Energy Group LP*
 7 [Additional counsel listed on signature page]
 8

9 **UNITED STATES DISTRICT COURT**
 10 **NORTHERN DISTRICT OF CALIFORNIA**
 11 **SAN FRANCISCO DIVISION**

13 In Re Application of
 14 MESA POWER GROUP, LLC,
 15 Applicant,
 16 Pursuant to 28 U.S.C. § 1782 For Judicial
 17 Assistance in Obtaining Evidence from
 18 PATTERN ENERGY GROUP LP; MIKE
 19 GARLAND; JOHN CALAWAY;
 HUNTER ARMISTEAD; and DAVID
 PARQUET For Use in a Foreign and
 International Proceeding.

Case No. CV 11-5510 (JCS)
**STIPULATED REQUEST FOR AN
 ORDER EXTENDING DEADLINE FOR
 RESPONSE TO SUBPOENA AND
 [PROPOSED] ORDER**
(Local Rule 6-2)

21
 22
 23
 24
 25
 26
 27
 28

1 Pursuant to Civil Local Rule 6-2, IT IS HEREBY STIPULATED by and between the
2 parties hereto through their respective attorneys of record that, if the Court approves, the deadline
3 for Pattern Energy Group LP (“Pattern”) to respond to the subpoena served on it by Mesa Power
4 Group, LLC (“Mesa”) in the above-captioned case be extended as set forth below. The
5 stipulation is based on the following:

6 1. This Court approved Mesa’s “Ex Parte Application for Judicial Assistance in
7 Obtaining Evidence for Use in a Foreign and International Proceeding Pursuant to 28 U.S.C.
8 § 1782” on November 30, 2011. As Mesa requested, the Court entered an Order authorizing
9 Mesa to serve subpoenas on Pattern and four officers/employees of Pattern (collectively,
10 “Discovery Respondents”). Nov. 30, 2011 Order (Dkt. #6) ¶ 2. The Court further ordered that
11 the Discovery Respondents “shall each produce the requested documents within twenty-one (21)
12 days of service.” Order ¶ 3. The Court specified that its Order was “without prejudice to the
13 rights of the Discovery Respondents to quash the subpoenas issued.” Order ¶ 7.

14 2. Mesa served Pattern with a subpoena on February 17, 2012. Pattern’s response to
15 the subpoena was thus due March 9, 2012. Mesa served Hunter Armistead, an officer of Pattern,
16 on February 24, 2012.

17 3. The parties are engaging in a meet-and-confer process in an effort to resolve
18 various objections to the subpoena. Pattern and Mesa had a meet and confer via telephone on
19 March 2, and an in-person meet and confer on March 7, 2012.

20 4. Pattern originally intended to file a motion to quash the subpoena on March 2. A
21 motion to quash a subpoena must be “timely” filed, Fed. R. Civ. P. 45(c)(3)(A), and a March 2
22 filing would have been seven days before the deadline for response to the subpoena. In the
23 conference on the morning of March 2, however, the parties agreed that Pattern should delay
24 filing the motion to quash until March 9, 2012, to allow further time to meet and confer regarding
25 the subpoena requests.

26 5. In the March 7th meet and confer, Pattern agreed to collect additional information
27 requested by Mesa to determine whether the scope of the subpoena could be narrowed, and Mesa
28 consented to extend the date for Pattern to respond to the subpoena until Monday, March 12.

1 6. Although progress has been made, the parties may still need additional time after
2 Monday to determine if any compromise can be reached with respect to the scope of the
3 subpoena.

4 7. If the parties do reach a compromise, they would need additional time to put in
5 place a stipulated protective order governing confidential material, patterned on the Northern
6 District of California’s Model “Stipulated Protective Order for Litigation Involving Patents,
7 Highly Sensitive Confidential Information and/or Trade Secrets.” In addition, Pattern may need
8 additional time to collect, review, and produce the documents.

9 8. The parties thus respectfully request that the Court grant their request to extend the
10 time for Pattern to move to quash or otherwise respond to the subpoena until March 12, 2012.
11 The parties further request that, to facilitate the meet-and-confer process and potential amicable
12 resolution of this conflict, the Court order that the parties can jointly agree to future extensions of
13 the deadline for any Discovery Respondents without need for court order or stipulation under
14 Local Rule 6-1. In accordance with N.D. Cal. General Order No. 45, Section X, the filer of this
15 document hereby attests that the concurrence to the filing of the document has been obtained from
16 the other signatory hereto.

17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: March 9, 2012

ERIC J. AMDURSKY
ANNA-ROSE MATHIESON
O'MELVENY & MYERS LLP
Two Embarcadero Center, 28th Floor
San Francisco, CA 94111

By: /s/ Anna-Rose Mathieson
Anna-Rose Mathieson

Attorneys for Pattern Energy Group LP

ADAM BREZINE
BRYAN CAVE LP
560 Mission Street, 25th Floor
San Francisco, CA 94105

By: /s/ Adam Brezine
Adam Brezine

Attorney for Mesa Power Group, LLC

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER [PROPOSED]

Pursuant to stipulation, IT IS ORDERED that the time for Pattern Energy Group LP to move to quash or otherwise respond to the subpoena issued by Mesa Power Group, LLC be extend until March 12, 2012, and IT IS FURTHER ORDERED that the parties can jointly agree to future extensions of the deadlines for Discovery Respondents, and the parties need not seek court order or file a stipulation for these future extensions.

SIGNED on the 12th day of March, 2012.

THE HONORABLE JUDGE JOSEPH C. SPERO
Magistrate Judge
for the United States District Court
for the Northern District of California

