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9 Attorneys for Defendants  
MAXXAM INC. and CHARLES E. HURWITZ

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12

13 UNITED STATES OF AMERICA *ex rel.*  
14 RICHARD WILSON and CHRIS MARANTO,

15 Plaintiff,

16 v.

17 MAXXAM INC., a Delaware corporation; THE  
PACIFIC LUMBER COMPANY, a Delaware  
18 corporation; SCOTIA PACIFIC COMPANY  
LLC, a Delaware limited liability company;  
19 SALMON CREEK LLC, a Delaware limited  
liability company; CHARLES E. HURWITZ, an  
20 individual,

21 Defendants.

Case No. C-06-7497 CW (JCS)

**ORDER NOT ACCEPTING**

**STIPULATION REGARDING  
DEPOSITION SCHEDULE**

Judge: Honorable Claudia Wilken  
Place: Courtroom 2, 4th Floor

Complaint Filed: December 7, 2006  
Trial Date: April 20, 2009

1 TO THE COURT AND ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 IT IS HEREBY STIPULATED by and between Defendants MAXXAM Inc. and Charles  
3 E. Hurwitz (“Defendants”) and non-party the California Department of Forestry and Fire  
4 Protection (“CDF”) and their respective counsel of record, Andrew D. Muhlbach, counsel for  
5 Defendants, and Frederick W. Acker, counsel for CDF, that:

6 WHEREAS, Defendants seek to depose current and former CDF employees William  
7 Snyder, Andrea Tuttle, Ross Johnson, and Jim Branham;

8 WHEREAS, the deadline to complete fact discovery was November 14, 2008;

9 WHEREAS, Defendants provided notice of the depositions of Mr. Snyder, Ms. Tuttle, Mr.  
10 Johnson, and Mr. Branham prior to November 14, 2008;

11 WHEREAS, the depositions of Mr. Snyder, Ms. Tuttle, Mr. Johnson, and Mr. Branham  
12 were postponed, and not completed prior to the close of fact discovery, in order to accommodate  
13 the schedules of the witnesses and/or counsel;

14 WHEREAS, CDF does not object to the depositions of Mr. Snyder, Ms. Tuttle, Mr.  
15 Johnson, and Mr. Branham taking place after the discovery cut-off;

16 NOW, THEREFORE, pursuant to Federal Rule of Civil Procedure 29 and Civil Local  
17 Rule 7-12, counsel for Defendants and CDF hereby stipulate that Defendants shall be permitted to  
18 take, at mutually convenient times and places identified after meeting and conferring, the  
19 depositions of William Snyder, Andrea Tuttle, Ross Johnson, and Jim Branham.

20 Defendants and CDF respectfully request that the Court approve this Stipulation.

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Dated: December 2, 2008

MORRISON & FOERSTER LLP

By: /s/ Andrew D. Muhlbach  
Andrew D. Muhlbach

Attorneys for Defendants MAXXAM INC. and  
CHARLES E. HURWITZ

Dated: December 2, 2008

CALIFORNIA ATTORNEY GENERAL'S OFFICE

By: /s/ Frederick W. Acker  
Frederick W. Acker

Attorneys for Non-Party CALIFORNIA  
DEPARTMENT OF FORESTRY AND FIRE  
PROTECTION

*I, Brian J. Martinez, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order. Pursuant to General Order 45, I hereby attest that Andrew D. Muhlbach and Frederick W. Acker have concurred in this filing.*

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**ORDER**

The stipulation of the parties **is not accepted. Defendants must move for any desired relief.**

12/5/08

Dated: \_\_\_\_\_



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HONORABLE CLAUDIA WILKEN  
United States District Judge  
Northern District of California