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8 Attorneys for Defendants  
 9 MAXXAM Inc. and Charles E. Hurwitz

10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA

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

15 Plaintiff,

16 vs.

17 MAXXAM INC., a Delaware Corporation,  
 and CHARLES E. HURWITZ, et al.,

18 Defendants.

CASE NO.: CV-06-7497 CW (JCS)

**STIPULATION REGARDING  
 DEFENDANTS' FILING OF SUR-  
 REPLY**

Date: January 22, 2010

Time: 1:30 p.m.

Place: Courtroom A, 15th Floor

Judge: Honorable Joseph C. Spero

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

21 IT IS HEREBY STIPULATED by and between the parties and their respective counsel of  
 22 record, William G. Bertain, attorney for relators Richard Wilson and Chris Maranto on behalf of  
 23 Plaintiff United States of America (collectively, "Plaintiffs"), and Natalie Thingelstad, attorney  
 24 for Defendants MAXXAM Inc. and Charles Hurwitz (collectively, "Defendants"), that:

25 WHEREAS, on November 13, 2009, Mr. Bertain filed Motion to Modify the Protective  
 26 Order Governing Confidentiality Filed 9/3/08, or Alternatively Order Other Relief Herein;

FROM : MOFO 32ND COPY RM

FAX NO. : 4152687522

Jan. 14 2010 11:04AM P3

1 WHEREAS, on December 11, 2009, Defendants filed Opposition to Plaintiff's Counsel  
2 William G. Bertain's Motion to Modify Stipulation and Protective Order Governing  
3 Confidentiality Filed 9/3/08, or Alternatively Order Other Relief Herein;

4 WHEREAS, on January 8, 2010, Mr. Bertain filed Reply Brief to Defendants' Opposition  
5 to Motion of Plaintiffs' Counsel to Modify Stipulation of [sic] Protective Order Governing  
6 Confidentiality Filed 9/3/08, (or Alternatively Order Other Relief Herein ("Reply Brief");

7 WHEREAS, Defendants believe that the Reply Brief raises new arguments, submits new  
8 evidence and requests new relief for the first time on reply, warranting a sur-reply;

9 WHEREAS, Mr. Bertain does not object to the Defendants filing a sur-reply;

10 NOW THEREFORE, Mr. Bertain and counsel for the Defendants hereby stipulate that the  
11 Defendants may file a sur-reply to Mr. Bertain's Reply Brief.

12 The parties respectfully request that the Court approve this Stipulation.

13  
14 Dated: January 14, 2010

LAW OFFICE OF WILLIAM G. BERTAIN

15  
16 By: William G. Bertain  
17 William G. Bertain

18 Attorneys for Plaintiff THE UNITED STATES OF  
19 AMERICA ex rel. RICHARD WILSON and  
20 CHRIS MARANTO

21  
22 Dated: January 14, 2010

MORRISON & FOERSTER LLP

23  
24 By: Natalie Thingstad  
25 Natalie Thingstad

26 Attorneys for Defendants MAXXAM INC. and  
27 CHARLES E. HURWITZ

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WHEREAS, on December 31, 2009, Defendants filed Opposition to Plaintiff's Counsel William G. Bertain's Motion to Modify Stipulation and Protective Order Governing Confidentiality Filed 9/3/08, or Alternatively Order Other Relief Herein;

WHEREAS, on January 8, 2010, Mr. Bertain filed Reply Brief to Defendants' Opposition to Motion of Plaintiffs' Counsel to Modify Stipulation of [sic] Protective Order Governing Confidentiality Filed 9/3/08, Or Alternatively Order Other Relief Herein ("Reply Brief");

WHEREAS, Defendants believe that the Reply Brief raises new arguments, submits new evidence and requests new relief for the first time on reply, warranting a sur-reply;

WHEREAS, Mr. Bertain does not object to the Defendants filing a sur-reply;

NOW THEREFORE, Mr. Bertain and counsel for the Defendants hereby stipulate that the Defendants may file a sur-reply to Mr. Bertain's Reply Brief.

The parties respectfully request that the Court approve this Stipulation.

Dated: January 14, 2010

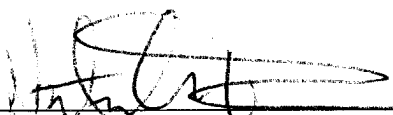
LAW OFFICE OF WILLIAM G. BERTAIN

By: \_\_\_\_\_  
William G. Bertain

Attorneys for Plaintiff THE UNITED STATES OF AMERICA ex rel. RICHARD WILSON and CHRIS MARANTO

Dated: January 14, 2010

MORRISON & FOERSTER LLP

By:  \_\_\_\_\_  
Natalie Thingelstad

Attorneys for Defendants MAXXAM INC. and CHARLES E. HURWITZ

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I, Natalie Thingelstad, 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 WILLIAM G. BERTAIN has concurred in this filing.



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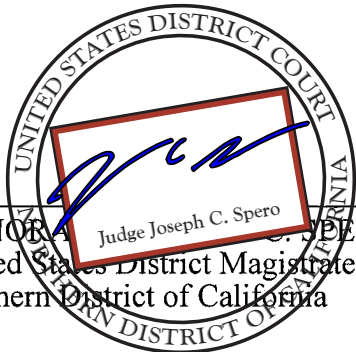
Natalie Thingelstad

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**[PROPOSED] ORDER**

Pursuant to the stipulation of the parties, IT IS SO ORDERED.

Dated: January 15, 2010

  
HONORABLE JUDGE JOSEPH C. SPERO  
United States District Magistrate Judge  
Northern District of California