

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIAUNITED STATES OF AMERICA EX REL. ET  
AL

No. C-06-07497

Plaintiff(s),

DISCOVERY ORDER [Docket Nos. 67, 82, 83,  
86, 87 and 90]

v.

MAXXAM, INC. ET AL

Defendant(s).

The Court held a discovery hearing on September 5, 2008. Philip Gregory, Joe Wilson and Shawn Ponist appeared telephonically on behalf on Plaintiff; Christopher Carr and Andrew Muhlbach appeared on behalf of Defendants Maxxam and Hurwitz; also appearing telephonically was John Williams, principal of Environmental Resource Solutions, Inc. For the reasons stated on the record and good cause appearing it is hereby ordered as follows:

1. [Docket number 90] The application for stay of discovery is denied without prejudice to raising the issue before the District Judge.
2. [Docket number 82] The application for reconsideration of Judge Larson's August 20, 2008 order is denied.
3. [Docket number 86] The application for an order compelling production of documents by Pacific Watershed Associates is denied as moot.

- 1           4.     [Docket number 87] The application for an order compelling production of  
2           documents by Environmental Resource Solutions is granted. The documents shall be  
3           produced on or before **October 6, 2008**.  
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- 5           5.     [Docket numbers 67 and 83] The application for an order compelling Maxxam to  
6           produce documents in response to all outstanding document requests is granted in  
7           part and denied in part. All documents being produced in response to the currently  
8           outstanding document requests shall be produced on a rolling basis with the first  
9           production occurring the week of September 8, 2008. All documents being produced  
10          in response to the currently outstanding document requests shall be produced not later  
11          than October 6, 2008. Maxxam is not obliged to produce documents on behalf of the  
12          Debtor Defendants. Maxxam shall provide supplemental substantive responses to all  
13          interrogatories contained in the first set of interrogatories by plaintiffs to Maxxam not  
14          later than September 12, 2008. Plaintiffs' request to have matters deemed admitted  
15          based on the Maxxam's alleged bad-faith responses to requests for admissions is  
16          denied.

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20           IT IS SO ORDERED.

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22   Dated: September 8, 2008

  
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JOSEPH C. SPERO  
United States Magistrate Judge