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From: "Steven R. Orr" <sorr@rwglaw.com>

To: "Robert G. Kuhs" <rgkuhs@lightspeed.net>, "Lee Leininger (E-mail)" <lee.leininger@usdoj.gov>, "Janet Goldsmith (E-mail)" <jgoldsmith@kmtg.com>, "Richard G. Zimmer (E-mail)" <zimmer@clifford-brownlaw.com>, "Joseph A. Salazar Jr. (E-mail)" <jsalazar@lbbslaw.com>, "Kimberly A. Huangfu (E-mail)" <huangfu@lbbslaw.com>, "Bob Joyce (E-mail)" <bjoyce@lebeauthelen.com>, "Michael D. Davis (E-mail)" <michael.davis@greshamsavage.com>, "Michael D. Davis (E-mail 2)" <Michael.Davis@greshamsavage.com>, "Michael T. Fife (E-mail)" <mfife@bhfs.com>, "William Kuhs (E-mail)" <wckuhs@lightspeed.net>, "Bradley T. Weeks (E-mail)" <Brad@charltonweeks.com>, "Christopher M. Sanders (E-mail)" <cms@eslawfirm.com>, "Douglas J. Evertz (E-mail)" <devertz@luce.com>, "Eric Garner (E-mail)" <eric.garner@bbklaw.com>, "Erin Powers" <EPowers@rwglaw.com>, "James L. Markman" <JMarkman@rwglaw.com>, "Jeff Dunn (E-mail)" <jeffrey.dunn@bbklaw.com>, "John Tootle (E-mail)" <jtootle@calwater.com>, "Keith Lemieux (E-mail)" <keith@lemieux-oneill.com>, "Michael Moore (E-mail)" <mmoore@counsel.lacounty.gov>, "Stefanie D. Hedlund (E-mail)" <stefanie.hedlund@bbklaw.com>, "Thomas S. Bunn III (E-mail)" <TomBunn@lagerlof.com>, "Wayne Lemieux (E-mail)" <wayne@lemieux-oneill.com>, "Whitney G. McDonald" <WMcDonald@rwglaw.com>

Date: 9/5/2008 1:38 PM

Subject: RE: AV -- Post M & C Draft of Proposed Phase 2 Case Management Order

As to 1: that's why we have "to the extent possible" -- option, not requirement. Always at the deposition would slow things down. The parties, however, recognized that an advance production will not always be possible.

As to 2: Fine. I'll revise accordingly.

-----Original Message-----

From: Robert G. Kuhs [mailto:rgkuhs@lightspeed.net]
Sent: Friday, September 05, 2008 1:28 PM
To: Steven R. Orr; 'Lee Leininger (E-mail)'; 'Janet Goldsmith (E-mail)';
'Richard G. Zimmer (E-mail)'; 'Joseph A. Salazar Jr. (E-mail)';
'Kimberly A. Huangfu (E-mail)'; 'Bob Joyce (E-mail)'; 'Michael D. Davis
(E-mail)'; 'Michael D. Davis (E-mail 2)'; 'Michael T. Fife (E-mail)';
'William Kuhs (E-mail)'; 'Bradley T. Weeks (E-mail)'; 'Christopher M.
Sanders (E-mail)'; 'Douglas J. Evertz (E-mail)'; 'Eric Garner (E-mail)';
Erin Powers; James L. Markman; 'Jeff Dunn (E-mail)'; 'John Tootle
(E-mail)'; 'Keith Lemieux (E-mail)'; 'Michael Moore (E-mail)'; 'Stefanie
D. Hedlund (E-mail)'; 'Thomas S. Bunn III (E-mail)'; 'Wayne Lemieux
(E-mail)'; Whitney G. McDonald
Subject: RE: AV -- Post M & C Draft of Proposed Phase 2 Case Management
Order

Steve: Thank you for the revised CMO. I have two suggested changes to the proposed CMO.

1. Paragraph 7: Given the expert deposition schedule and location of some experts, it seems unworkable to require production of the expert files at the expert's office 3 days in advance of the deposition and will require lawyers to be in two places at once. I suggest that experts produce their records concurrent with the deposition.

2. Paragraph 14: The second sentence should be modified to read:
Any such moving papers shall be filed and posted on or before September 30, 2008. Tejon, as you know, already has two motions on file.

Regards,

Robert Kuhs

-----Original Message-----

From: Steven R. Orr [mailto:sorr@rwglaw.com]
Sent: Friday, September 05, 2008 11:16 AM
To: Robert Kuhs (E-mail); Lee Leininger (E-mail); Janet Goldsmith (E-mail);
Richard G. Zimmer (E-mail); Joseph A. Salazar Jr. (E-mail); Kimberly A.
Huangfu (E-mail); Bob Joyce (E-mail); Michael D. Davis (E-mail); Michael D.
Davis (E-mail 2); Michael T. Fife (E-mail); William Kuhs (E-mail); Bradley
T. Weeks (E-mail); Christopher M. Sanders (E-mail); Douglas J. Evertz
(E-mail); Eric Garner (E-mail); Erin Powers; James Markman (E-mail); Jeff
Dunn (E-mail); John Tootle (E-mail); Keith Lemieux (E-mail); Michael Moore
(E-mail); Stefanie D. Hedlund (E-mail); Thomas S. Bunn III (E-mail); Wayne
Lemieux (E-mail); Whitney G. McDonald
Subject: AV -- Post M & C Draft of Proposed Phase 2 Case Management Order

Counsel,

Attached for your review is the draft CMO, which is the result of the parties' meet and confer this morning.

I will post this document on Monday morning, and will advise Rowena Walker that it is coming.

Steve Orr

<<Proposed Phase 2 Case Management Order.DOC>>

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