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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

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**CONFEDERATED TRIBES OF SILETZ
INDIANS OF OREGON AND
ROSS-SIMMONS HARDWOOD LUMBER
CO.,**

CV. 00-1693-PA

Plaintiffs,

v.

WEYERHAEUSER COMPANY,

Defendant.

**[PROPOSED] ORDER APPROVING
SUPPLEMENTAL SUPERSEDEAS
BOND AND GRANTING UNOPPOSED
MOTION TO STAY EXECUTION OF
ORDER REGARDING ATTORNEY
FEE PETITION AND COST BILL
PENDING APPEAL**

Pursuant to Fed. R. Civ. P 58(a), 62(d), and
65.1

The following Order is entered pursuant to Rules 58(a), 62(d), and 65.1 of the Federal Rules of Civil Procedure:

1. On April 18, 2003, a jury rendered a verdict against Weyerhaeuser in the above-captioned case in favor of plaintiff Ross-Simmons Hardwood Lumber Company ("Ross-Simmons") and against plaintiffs STEDCO/Ross-Simmons and Confederated Tribes of Siletz Indians of Oregon. On April 22, 2003, this Court entered a judgment in favor of plaintiff Ross-Simmons (in the amount of \$78,769,218, after statutory trebling) and against plaintiffs STEDCO/Ross-Simmons Joint Venture and Confederated Tribes of Siletz Indians of Oregon ("Money Judgment").

3. On July 16, 2003, following the disposition of post-trial motions, the District Court entered an Order Approving Supersedeas Bond and Granting Unopposed Motion for a Stay of Execution of Judgment Pending Appeal. Such Supersedeas Bond was created for the purpose of satisfying the money amounts of the April 22, 2003, Money Judgment

4. On May 7, 2003, Ross-Simmons submitted a Motion for Award of Attorney's Fees and Costs, seeking the lesser of Weyerhaeuser's attorney fees or \$3,966,621.50, plus costs of \$78,100.65. Weyerhaeuser timely responded on May 19, 2003, requesting in part that plaintiff's request be denied in its entirety. On October 27, 2003, this Court signed an Opinion and Order Regarding Attorney Fee Petition and Cost Bill, awarding Ross-Simmons \$1,416,236.01 in attorney fees and out-of-pocket expenses and \$6,887.03 in statutory costs. This Court entered that order into its docket on October 29, 2003.

5. Ross-Simmons and Weyerhaeuser have stipulated and agreed that a supplemental supersedeas bond (supplemental as to the previous supersedeas bond relating to the Money Judgment) in the amount of \$1,500,000.00 is sufficient and appropriate for the purpose of satisfying any bonding requirement relating to the appeal of the Order Regarding Attorney Fee Petition and Cost Bill and any post-trial interest pending appeal as required by either statute or federal rule. *See, e.g.,* Fed. R. Civ. P. 62(d).

6. On November 3, 2003, Weyerhaeuser obtained from Hartford Fire Insurance Company a supplemental supersedeas bond in the amount of \$1,500,000.00 ("Supplemental Bond").

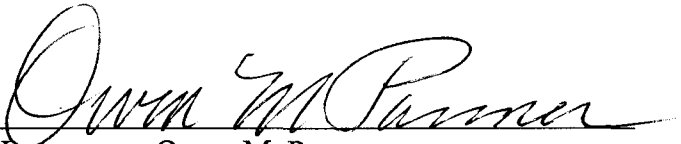
7. On November 4, 2003, by declaration of Thomas R. Johnson, Weyerhaeuser asserted its intention to appeal the Order Regarding Attorney Fee Petition and Cost Bill in the first instance to the United States Court of Appeals for the Ninth Circuit.

8. On November 4, 2003, Weyerhaeuser submitted the Supplemental Bond to this Court for its consideration and approval and also moved this Court to stay execution of the Order Regarding Attorney Fee Petition and Cost Bill pending appeal.

2. Pursuant to Rules 62 and 65.1 of the Federal Rules of Civil Procedure and Rule 8(b) of the Federal Rules of Appellate Procedure, Hartford Fire Insurance Company, as surety, has submitted itself to the jurisdiction of the United States District Court for issues affecting the surety's liability on the bond or undertaking.

THEREFORE, IT IS HEREBY ORDERED, pursuant to Fed. R. Civ. P. 58(a), 62(d), and 65.1, that the Supplemental Bond is approved and the parties' Unopposed Motion to Stay Execution of Order Regarding Attorney Fee Petition and Cost Bill Pending Appeal is granted.

DATED this 5 day of Nov, 2003.


HONORABLE OWEN M. PANNER
UNITED STATES DISTRICT JUDGE

Submitted by:
Perkins Coie, LLP

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