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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

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

Plaintiffs,

v.

WEYERHAEUSER COMPANY,

Defendant.

CV. 00-1693-PA

**ORDER APPROVING SUPERSEDEAS
BOND AND GRANTING UNOPPOSED
MOTION TO STAY ENTRY OF
JUDGMENT PENDING APPEAL**

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

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

1. Plaintiffs Ross-Simmons Hardwood Lumber Company, STEDCO/Ross-Simmons Joint Venture, and Confederated Tribes of Siletz Indians of Oregon asserted claims against defendant Weyerhaeuser Company ("Weyerhaeuser") in the above-captioned matter.

2. The above-captioned matter was tried to a jury beginning April 8, 2003. On April 18, 2003, the jury rendered a verdict in favor of defendant Weyerhaeuser as to the claims asserted by both plaintiffs STEDCO/Ross-Simmons Joint Venture and Confederated Tribes of Siletz Indians of Oregon and against defendant Weyerhaeuser as to the claims asserted by plaintiff Ross-Simmons Hardwood Lumber Company. As to these latter claims, the jury awarded \$78,769,218 in damages, after trebling pursuant to federal statute.

3. On April 22, 2003, this Court entered a judgment for plaintiff Ross-Simmons Hardwood Lumber Company (in the amount of \$78,769,218) and against plaintiffs STEDCO/Ross-Simmons Joint Venture and Confederated Tribes of Siletz Indians of Oregon (the "Money Judgment").

4. On May 2, 2003, Weyerhaeuser sought post-trial relief before this Court in the form of Defendant's Renewed Motion for Judgement as a Matter of Law and Alternative Motion for New Trial pursuant to Rules 50 and 59 of the Federal Rules of Civil Procedure.

5. Ross-Simmons and Weyerhaeuser have stipulated and agreed that, in the event that this Court denied Weyerhaeuser's requested post-trial relief, Weyerhaeuser would post a supersedeas bond pursuant to federal rule or statute in the amount of \$83,000,000 for the purpose of satisfying any bonding requirement relating to the appeal of the Money Judgment and any post-trial interest pending appeal. *See* Rules 62(d) and 65.1 of the Federal Rules of Civil Procedure.

6. In an Opinion and Order dated July 5, 2003, which was entered by this Court on July 7, 2003 (and received by the parties' counsel on July 8, 2003), this Court denied Weyerhaeuser's requested post-trial relief in its entirety.

7. On July 11, 2003, Weyerhaeuser obtained a supersedeas bond in the amount of \$83,000,000 from SAFECO Insurance Company of America (the "Bond").

8. On July 11, 2003, by declaration of Michael H. Simon, Weyerhaeuser asserted its intention to appeal the Money Judgment in the first instance to the United States Court of Appeals for the Ninth Circuit.


9. On July 16, 2003, Weyerhaeuser submitted the Bond to this Court for its consideration and approval and also moved this Court to stay the Money Judgment pending Weyerhaeuser's appeal of the above-captioned matter in its entirety.

10. 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, SAFECO Insurance Company of America, and General Insurance Company of America, as surety, has submitted themselves to the jurisdiction of the United States District Court for issues affecting the surety's liability on the bond or undertaking.

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THEREFORE, IT IS HEREBY ORDERED, pursuant to Fed. R. Civ. P. 62(d) and 65.1, that the Bond is approved and the parties' Stipulated Motion to Stay Entry of Judgment Pending Appeal is granted.

DATED this 16 day of July, 2003.


HONORABLE OWEN M. PANNER
UNITED STATES DISTRICT JUDGE

Submitted by:
Perkins Coie, LLP

Michael H. Simon, OSB No. 86090
Thomas R. Johnson, OSB No. 01064
Julia E. Markley, OSB No. 00079
Christopher L. Garrett, OSB No. 03100

Attorneys for Defendant, Weyerhaeuser Company

CERTIFICATE OF SERVICE

I hereby certify that on this date I served the foregoing **ORDER APPROVING SUPERSEDEAS BOND AND GRANTING UNOPPOSED MOTION TO STAY ENTRY OF JUDGMENT PENDING APPEAL** by hand delivering, as indicated below, true copies thereof to the following persons:

BY HAND DELIVERY

Michael E. Haglund
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Attorneys for Plaintiffs

DATED this 11th day of July, 2003.

PERKINS COIE LLP

By: 
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