

**Peter Siegenthaler**  
04/09/2004 06:45 AM

To: Rick Morrow/D04/Caltrans/CAGov@DOT, Pedro Sanchez/D04/Caltrans/CAGov@DOT, Neil Locke/D04/Caltrans/CAGov@DOT  
cc: Amer Bata/HQ/Caltrans/CAGov@DOT  
Subject: Re: Traylor/Weeks vs. Caltrans No Good Faith Lawsuit

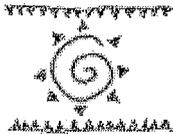
----- Forwarded by Peter Siegenthaler/D04/Caltrans/CAGov on 04/09/2004 06:45 AM -----

**Bob Finney**  
04/08/2004 09:53 PM

To: Peter Siegenthaler/D04/Caltrans/CAGov@DOT  
cc:  
Subject: Re: Traylor/Weeks vs. Caltrans No Good Faith Lawsuit

fyi on timing.

----- Forwarded by Bob Finney/D04/Caltrans/CAGov on 04/08/04 09:52 PM -----



**Jose Aguirre**  
04/08/04 03:39 PM

To: Don Scheel/HQ/Caltrans/CAGov@DOT  
cc: Jeff Reeds/HQ/Caltrans/CAGov@DOT, John McMillan/HQ/Caltrans/CAGov@DOT, Kris Kuhl/HQ/Caltrans/CAGov@DOT, Bob Pieplow/HQ/Caltrans/CAGov@DOT, Gene Mallette/HQ/Caltrans/CAGov@DOT, Andrew Fremier/D04/Caltrans/CAGov@DOT, Bob Finney/D04/Caltrans/CAGov@DOT  
Subject: Re: Traylor/Weeks vs. Caltrans No Good Faith Lawsuit

That's fine. The conference will concern the setting of a date for a hearing on Traylor/Weeks' Request for a Temporary Stay, which the court has indicated may not happen until April 23, 2004. If the Stay is granted, which is unlikely, it would direct the Department to direct KFM to stop proceeding with any work.

The normal process for a Petition for a Writ of Mandate is as follows:

- a. The Department has 30 days after service of the papers to file an Answer. We were served today
- b. Petitioner's Opening Brief is due 45 days before a hearing on the merits of the Petition. A hearing date is not usually established until after the Answer is filed.
- c. Respondent's Brief, in opposition, is due 25 days before the hearing date.
- d. Petitioner's Reply Brief is due 15 days before the hearing.

Given that we were served today, a hearing on the merits of the petition would not occur until 75 days from today.

**JOSE AGUIRRE**  
Assistant Chief Counsel  
916-654-2630; FAX 916-654-6128

\*\*\*\*\*  
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Don Scheel

000008 APR 15 3  
RECEIVED

**Don Scheel**  
04/08/2004 01:59 PM

To: Jose Aguirre/HQ/Caltrans/CAGov@DOT  
cc: Jeff Reeds/HQ/Caltrans/CAGov@DOT, John  
McMillan/HQ/Caltrans/CAGov@DOT, Kris  
Kuhl/HQ/Caltrans/CAGov@DOT  
Subject: Re: Traylor/Weeks vs. Caltrans No Good Faith Lawsuit

Thank you, Jose. I plan to be there, since I signed the contract and it appears they will have some objection to that. I can report back to John and Kris, unless John wants additional participation.  
Jose Aguirre



**Jose Aguirre**  
04/08/2004 01:40 PM

To: Don Scheel/HQ/Caltrans/CAGov@DOT  
cc: Jeff Reeds/HQ/Caltrans/CAGov@DOT, John  
McMillan/HQ/Caltrans/CAGov@DOT  
Subject: Re: Traylor/Weeks vs. Caltrans No Good Faith Lawsuit

I called Julie Raney this morning to inform her that all further inquiries and notices should be provided to me. I just talked with Elizabeth Kostern and she will set the conference for my telephone number. John is not needed, but he can participate if he so desires.

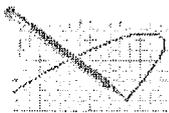
JOSE AGUIRRE  
Assistant Chief Counsel  
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\*\*\*\*\*  
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Don Scheel

**Don Scheel**  
04/08/2004 01:02 PM

To: John McMillan/HQ/Caltrans/CAGov@DOT, Jeff  
Reeds/HQ/Caltrans/CAGov@DOT  
cc: Jose Aguirre/HQ/Caltrans/CAGov@DOT  
Subject: Traylor/Weeks vs. Caltrans No Good Faith Lawsuit

I have placed a call to Jose asking for his advice.  
----- Forwarded by Don Scheel/HQ/Caltrans/CAGov on 04/08/2004 01:00 PM -----



**DES-OE Secretary**  
04/08/2004 11:08 AM

To: John McMillan/HQ/Caltrans/CAGov@DOT, Jeff  
Reeds/HQ/Caltrans/CAGov@DOT  
cc: Don Scheel/HQ/Caltrans/CAGov@DOT  
Subject: Traylor/Weeks vs. Caltrans No Good Faith Lawsuit

Elizabeth Kostern, of McDonough Holland & Allen PC, called to inform us that Attorney Julie Raney, 444-3900, will set up a conference call to John's phone number on Monday, April 12, at 4:15 p.m.

\*\*\*\*\*

Conniecat Bowman  
DES-OE Secretary  
916-227-6200  
916-227-6151 Fax