RECEIVED
JUL 0 9 2012
INYO CO. SUPERIOR COURT
TAMMY L. GRIMM, CLERK
BY DEPUTY

FILED
AUG - 2 2012
INYO CO. SUPERIOR COURT
TAMMY L. GRIMM, CLERK
BY DEPUTY

Christopher L. Campbell #116329
Jeffrey A. Jaech #076815
BAKER MANOCK & JENSEN, PC
5260 North Palm Avenue, Fourth Floor
Fresno, California 93704
Telephone: 559.432.5400
Facsimile: 559.432.5620
Email: CCampbell@bakermanock.com

Peter E. Tracy #78185
LAW OFFICE OF PETER E. TRACY
106 South Main Street, #200
P.O. Box 485
Bishop, California 93515
Telephone: 760.872.1101
Facsimile: 760.872.2971
Email: inyomono@stanfordalumni.org

Attorneys for Petitioner David Hitz, Chairman of the Board of Trustees of the L. L. Nunn Trust, acting on behalf of the Board of Trustees

Joseph C. Liburt #155507
ORRICK HERRINGTON & SUTCLIFFE LLP
1000 Marsh Road
Menlo Park, California 94025
Telephone: 650.614.7400
Fascimile: 650.614.7401
Email: jliburt@orrick.com

Heather M. Hoekstra #276197
420 Coventry Road
Kensington, California 94707
Telephone: 510.525.1514
Email: hmatsumoto@berkeley.edu

Attorneys for Objectors/Respondents Kinch Hoekstra and Edward Keonjian, Trustees of the L. L. Nunn Trust

RECEIVED
AUG 07 2012
PETER R. TRACY
ATTORNEY AT LAW

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF INYO

In re the Matter of the

L. L. Nunn Trust for the benefit of Deep Springs College under the Deed of Trust dated November 5, 1923

Case No. SI CV PB 1253232

ORDER RE BIFURCATION AND BRIEFING SCHEDULE

DATE: July 5, 2012
TIME: 9:00 AM
DEPT: 1
JUDGE: Hon. Dean T. Stout

ca8712

Petitioner, David Hitz, Chairman of the board of trustees of the Lucien L. Nunn Trust (the "L. L. Nunn Trust"), acting on behalf of the board of trustees (the "Trustees"), has filed herein his Petition for Court Order Construing Trust Provisions, or, If Necessary, Modifying the Trust Instrument (the "Petition"). Kinch Hoekstra and Edward Keonjian, as dissenting members of the board of trustees of the L. L. Nunn Trust, have filed herein objections to the Petition. The matter came up for status hearing on the probate calendar for July 5, 2012, at 9:00 a.m. in Department 1. The Court finds:

1. Objectors have stated an intention to file herein a motion to join the Deep Springs Corporation as a party (the "Joinder Motion") and a motion for a preliminary injunction (the "Injunction Motion").

2. The Petition includes prayers for an interpretation of the L. L. Nunn Trust instrument and, if necessary, a modification of such instrument. The economy and efficiency of handling the litigation would be promoted by bifurcating the trial on such Petition, such that the interpretation issue is heard and decided first.

3. Petitioner David Hitz and Objectors Kinch Hoekstra and Edward Keonjian, by and through their respective attorneys of record, have filed herein their Stipulation Re Bifurcation and Briefing Schedule dated July 3, 2012.

For good cause, IT IS ORDERED:

1. The trial on the Petition is bifurcated such that the interpretation issue shall be heard and decided first. The interpretation issue, Joinder Motion, and Injunction Motion shall be heard on Tuesday, September 25, 2012, at 9:00 a.m. in Department 4 at the Bishop Courthouse. A status hearing is set for Monday, August 20, 2012, at 11:00 a.m. in Department 1.

2. The filing deadlines and briefing schedule for the Joinder Motion and the Injunction Motion shall be as follows:

Due date for motions:	August 31, 2012
Due date for opposition to motions:	September 12, 2012
Due date for reply:	September 18, 2012

Such papers shall be served on opposing counsel by e-mail on or before the due date.

3. Regarding the interpretation issue, each side will be permitted an opening submission and a response submission. The parties may submit declarations and documents in support, but there will no live testimony. The opening submissions shall be filed and served by e-mail no later than August 31, 2012. The response submissions shall be filed and served by e-mail no later than September 17, 2012. The parties may incorporate by reference in their Injunction Motion briefs whatever portions they deem appropriate from their interpretation issue briefs.

4. Absent further stipulation or court order, each party's opening briefs on the interpretation issue, the Joinder Motion, and the Injunction Motion shall not exceed 30 pages per each brief for each motion, and any later submission by a party on those matters shall not exceed 15 pages per brief per motion.

5. If the court enters an order interpreting the L. L. Nunn Trust as requested by petitioner, and Objectors appeal, petitioner agrees to waive any argument on appeal that the appeal is premature, not ripe, or not an appealable final judgment due to the lack of a ruling on the modification issue.

6. The L. L. Nunn Trust trustees shall not issue any public statement that women will definitely be admitted for the 2013 school year, until the court rules on the Injunction Motion, and petitioner shall request that the Deep Springs Corporation refrain from doing the same. Nothing herein shall prevent the Deep Springs Corporation or the L. L. Nunn Trust trustees from issuing public statements of an intent to admit women for the 2013 school year unless blocked by a court order. Until the court rules on this Injunction Motion, in any mailings to or solicitations for women applicants for the 2013 school year, such mailings or solicitations shall

///

///

///

///

///

include a notification that the issue of whether Deep Springs College is legally permitted to enroll women as students is currently before a court, and consequently Deep Springs College cannot guarantee that it will admit women as students for the 2013 school year.

Dated: Aug 2, , 2012.

JUDGE OF THE SUPERIOR COURT

Approved:

ORRICK HERRINGTON & SUTCLIFFE LLP

By
Joseph C. Liburt
Attorneys for Objectors KINCH HOEKSTRA and EDWARD KEONJIAN

BAKER MANOCK & JENSEN, PC

By
Jeffrey A. Jaech
Attorneys for Petitioner DAVID HITZ

In re the Matter of the L. L. Nunn Trust
Inyo County Superior Court Case No. SICV PB 1253232

PROOF OF SERVICE BY MAIL

CASE NO. SICVPB-12-53232

I, the undersigned, say: I am and was at all times herein mentioned, a citizen of the United States and a resident of the County of Inyo, over the age of eighteen years and not a party to the within action or proceedings; that my business address is 301 West Line Street, Bishop, California; that on the date hereafter set forth I served the document described hereafter on the parties in said action or proceeding by depositing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, a mail box regularly maintained by the Government of the United States at Bishop, California, addressed as follows:

BAKER MANOCK & JENSEN, PC
5260 NORTH PALM AVE., FOURTH FLOOR
FRESNO, CA 93704

LAW OFFICE OF PETER TRACY
P.O. BOX 485
BISHOP, CA 93515

ORRICK HERRINGTON & SUTCLIFFE LLP
1000 MARSH RD
MENLO PARK, CA 94025

HEATHER M. HOEKSTRA, ESQ.
420 COVENTRY RD
KENSINGTON, CA 94707

DOCUMENT SERVED: Order Re Bifurcation and Briefing Schedule filed August 2, 2012.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on August 2, 2012, at Bishop, California.

Deputy Clerk,
Lindsay Eropkin