1	COUNSEL IDENTIFICATION ON FINAL PAGE		
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4	UNITED STATES DISTRICT COURT		
5	EASTERN DISTRICT OF CALIFORNIA		
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7	NATUDAL DECOUDEED DEFENCE	Cose No. 1.05 ov. 01207 LIO EDC	
8	NATURAL RESOURCES DEFENSE COUNCIL, et al.,	Case No. 1:05-cv-01207 LJO-EPG	
9	Plaintiffs,	STIPULATION AND SCHEDULING ORDER	
10	v.		
11	RYAN ZINKE, in his official capacity as Secretary of the Interior, <i>et al.</i> ,		
12	Defendants.		
13	Defendants.		
14			
15	SAN LUIS & DELTA MENDOTA		
16	WATER AUTHORITY, <i>et al.</i> , Defendants-Intervenors.		
17	Defendants-intervenors.		
18	ANDERSON-COTTONWOOD IRRIGATION DISTRICT, et al.,		
19	Joined Parties.		
20	Joined Fairties.		
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1	RECITALS	
2	WHEREAS, the Court entered the Parties' previous stipulation partially modifying the	
3	Court's Further Scheduling Order (Dkt. 1027) on March 21, 2017 (Dkt. 1073);	
4	WHEREAS, that stipulation revised the schedule for responsive pleadings and	
5	administrative records, but did not change the remainder of the schedule;	
6	WHEREAS, the Parties indicated that they would continue to meet and confer regarding	
7	"(i) the propriety, need for, or scope of discovery as to the claims against the Federal Defendants;	
8	(ii) discovery schedules; (iii) a briefing schedule; or (iv) pre-trial and trial scheduling" (Dkt.	
9	1073);	
10	WHEREAS, the Parties agree that Plaintiffs' Second and Fourth Claims will be resolved	
11	based on the administrative record, and, therefore, discovery is not appropriate as to those claims;	
12	WHEREAS, Federal Defendants submit that Plaintiffs' Sixth Claim against Federal	
13	Defendants, as narrowed by this Court's February 23, 2017 Order (Dkt. 1069), can also be	
14	resolved on the administrative record, but Plaintiffs submit that the need for discovery on the Sixth	
15	Claim against Federal Defendants should be assessed after the administrative record is filed;	
16	WHEREAS, the Parties accordingly continue to agree that the need for and scope of	
17	discovery for the Sixth Claim against Federal Defendants should be addressed after the	
18	administrative record is filed (Dkt. 1073 at 2);	
19	WHEREAS, the Parties have now agreed on a revised schedule for all other discovery,	
20	briefing, pre-trial, and trial dates;	
21	WHEREAS, during the meet and confer Federal Defendants requested that Plaintiffs	
22	abstain from propounding discovery as to Plaintiffs' Sixth Claim against the Sacramento River	
23	Settlement Contractors ("SRS Contractors"), other than requests for production, on Federal	
24	Defendants until after the Court had resolved any motion to limit review of the Sixth Claim as	
25	against Federal Defendants to the administrative record, or until the parties filed a stipulation to	
26	the same effect;	
27	WHEREAS, Plaintiffs disagreed with Federal Defendants' proposal;	
28	WHEREAS, in an effort to finalize the proposed discovery schedule, Federal Defendants	

agreed to withdraw their request but do not waive any rights, objections, or responses that Federal Defendants may have to Plaintiffs' propounded discovery; AND WHEREAS, the Parties' agreed schedule seeks to balance the Parties' need for adequate preparation time with the goal of resolving this case expeditiously and the Court's previously expressed preference against bifurcation (Doc. 1027 at 3); **STIPULATION** NOW THEREFORE, counsel for Plaintiffs and Defendants hereby stipulate to the following schedule regarding discovery, briefing, and trial deadlines. The Parties agree that the proposed discovery schedule does not waive any rights, objections, or responses that Federal Defendants may have to discovery propounded against the Federal Defendants as to Plaintiffs' Sixth Claim against the SRS Contractors. For the Court's reference, the schedule set forth below incorporates and italicizes the dates previously entered by the Court in response to the Parties' prior stipulation (Dkt. 1073).

Date	Event	
April 12, 2017	Federal Defendants distribute draft administrative record ("AR") index.	
April 14, 2017	Answers to Plaintiffs' Fifth Supplemental Complaint shall be filed.	
April 19, 2017	Comments on draft AR index are due to Federal Defendants.	
May 3, 2017	Federal Defendants shall lodge the AR.	
May 10, 2017	Plaintiffs and Federal Defendants shall meet and confer over to need for discovery on the Sixth Claim against Federal Defendants.	
May 15, 2017	Fact discovery begins for all parties regarding Plaintiffs' Sixth Claim against SRS Contractors.	
May 24, 2017	Motions regarding the completeness of AR are due. Motions or stipulations to limit the Sixth Claim against Federal Defendants to the AR are due (Dkt. 1073 at 2). Notice to Court and parties regarding intent to seek discovery on the Sixth Claim against Federal Defendants due (Dkt. 1027 at 2).	
June 5, 2017	Plaintiffs and SRS Contractors shall serve initial disclosures.	
7 days after Court's ruling on completeness of AR	Federal Defendants shall complete the AR to conform to the Court's ruling.	
90 days after the AR is deemed complete, or September 15, 2017, whichever is later	Plaintiffs' motion for summary judgment ("MSJ") on all claims shall be filed.	
30 days after Plaintiffs' MSJ	Defendants' oppositions and any MSJ shall be filed.	
30 days after Defendants' oppositions and MSJ	Plaintiffs' reply and oppositions to Defendants' MSJ shall be filed.	
14 days after Plaintiffs' opposition	s after Plaintiffs' Defendants' replies to their MSI shall be filed	
14 days after Defendants' reply	Hearing on MSJ shall be held.	
December 11, 2017	Fact discovery cutoff.	
January 10, 2018	Expert disclosures shall be filed.	
February 9, 2018	Rebuttal expert disclosures shall be filed.	
February 28, 2018	Expert discovery cutoff.	
March 6, 2018	Joint pretrial statement due.	
March 13, 2018	Pretrial conference.	
March 27, 2018	Proposed pretrial orders due.	
April 3, 2018	Answering trial briefs due.	
April 10, 2018	First day of trial.	

1	DATED: April 12, 2017	Barbara J. Chisholm Barbara J. Chisholm
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18	DATED A 1110 0017	
19	DATED: April 12, 2017	/s/ Nicole M. Smith (as authorized on April 12, 2017)
20		Nicole M. Smith
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25		Attorneys for Respondents Ryan Zinke, in his official capacity as Secretary of the Interior, et al.
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27	DATED: April 12, 2017	/s/ Meredith Nikkel (as authorized on April 12, 2017) Meredith Nikkel
28		DOWNEY BRAND LLP

1 2		621 Capitol Mall, 18th Floor Sacramento, CA 95814 Telephone: (916) 444-1000 Facsimile: (916) 444-2100
3		Attorneys for Intervenors and Joined Party
4		Defendants Reclamation District No. 108, Sutter Mutual Water Company, Natomas Central Mutual
5		Water Company, River Garden Farms Company, Pleasant Grove-Verona Mutual Water Company,
7		Pelger Mutual Water Company, Meridian Farms Water Company, Henry D. Richter, et al., Howald
8		Farms, Inc., Oji Brothers Farm, Inc., Oji Family Partnership, Carter Mutual Water Company,
9		Windswept Land And Livestock Company, Maxwell Irrigation District, and Tisdale Irrigation and
10		Drainage Company
11		
12	DATED: April 12, 2017	/s/ Andrew Hitchings (as authorized on April 12, 2017)
13		Andrew Hitchings
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18		Attorneys for Intervenors and Joined Party
19		Defendants Glenn-Colusa Irrigation District, Princeton-Codora-Glenn Irrigation District,
20		Provident Irrigation District, Anderson-Cottonwood Irrigation District, City Of Redding, M & T Chico
21		Ranch (Pacific Realty Associates), Reclamation
22		District No. 1004, Conaway Preservation Group, LLC, and David and Alice te Velde Family Trust
23		
24	DATED: April 12, 2017	/s/ Daniel J. O'Hanlon (as authorized on April 12, 2017)
25		Daniel J. O'Hanlon
26		KRONICK, MOSKOVITZ, TIEDEMANN &
27		GIRARD A Professional Corporation
		400 Capitol Mall, 27th Floor
28		Sacramento, CA 95814
		5 STIPULATION AND SCHEDULING ORDER

Telephone: (916) 321-4500 Facsimile: (916) 321-4555 Attorneys for Defendant-Intervenors and Joined Party Defendants, San Luis & Delta-Mendota Water Authority, Westlands Water District, Coelho Family Trust, Eagle Field Water District, Fresno Slough Water District, Mercy Springs Water District, Oro Loma Water District, and Tranquillity Irrigation District

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MSJ

opposition

reply

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IT IS SO ORDERED.

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Dated: **April 13, 2017**

for further proceedings in this case is established.

Date

90 days after the AR is

30 days after Plaintiffs'

30 days after Defendants'

oppositions and MSJ

December 11, 2017

January 10, 2018

February 9, 2018

February 28, 2018

March 6, 2018

March 13, 2018

March 27, 2018

April 3, 2018

April 10, 2018

14 days after Plaintiffs'

14 days after Defendants'

deemed complete, or

September 15, 2017,

whichever is later

May 15, 2017

June 5, 2017

/s/ Lawrence J. O'Neill UNITED STATES CHIEF DISTRICT JUDGE

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ORDER

Claim against SRS Contractors.

Hearing on MSJ shall be held.

Expert disclosures shall be filed.

Rebuttal expert disclosures shall be filed.

Fact discovery cutoff.

Expert discovery cutoff.

Pretrial conference.

First day of trial.

Joint pretrial statement due.

Proposed pretrial orders due.

Answering trial briefs due.

shall be filed

filed.

Pursuant to the Parties' Stipulation, the Court hereby ORDERS that the following schedule

Event

Fact discovery begins for all parties regarding Plaintiffs' Sixth

Plaintiffs and SRS Contractors shall serve initial disclosures.

Defendants' oppositions and any MSJ shall be filed.

Defendants' replies to their MSJ shall be filed.

Plaintiffs' motion for summary judgment ("MSJ") on all claims

Plaintiffs' reply and oppositions to Defendants' MSJ shall be