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**COUNSEL IDENTIFICATION ON FINAL PAGE**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

NATURAL RESOURCES DEFENSE  
COUNCIL, *et al.*,

Plaintiffs,

v.

RYAN ZINKE, in his official capacity as  
Secretary of the Interior, *et al.*,

Defendants.

SAN LUIS & DELTA MENDOTA  
WATER AUTHORITY, *et al.*,

Defendants-Intervenors.

ANDERSON-COTTONWOOD  
IRRIGATION DISTRICT, *et al.*,

Joined Parties.

Case No. 1:05-cv-01207 LJO-EPG

**REVISED STIPULATION AND  
SCHEDULING ORDER**

1 **RECITALS**

2 WHEREAS, the parties filed a Stipulation and (Proposed) Scheduling Order on October  
3 30, 2017, *see* Dkt. 1136;

4 WHEREAS, the Court issued a minute order on November 7, 2017, stating that, although  
5 “[m]ost of the [stipulation’s] proposals are reasonable and will be approved,” it was “the Court’s  
6 strong preference to set a firm trial date,” Dkt. 1139, which the stipulation lacked;

7 WHEREAS, the Court’s minute order directed the parties to meet and confer to determine  
8 a mutually acceptable trial date and to communicate that date to the Court by filing a revised  
9 schedule; *see id.*;

10 WHEREAS, the parties have met and conferred and determined a mutually acceptable trial  
11 date and have confirmed with the Courtroom Deputy that the parties’ proposed date is available;

12 AND WHEREAS, that mutually acceptable trial date takes into account the Court’s  
13 estimate that it will optimistically need approximately 12 weeks to rule on the parties’ cross-  
14 motions for summary judgment and maintains the parties’ previously-requested 5-month interval  
15 between the ruling on summary judgment motions and trial, *see id.*;

16 **STIPULATION**

17 NOW THEREFORE, counsel for Plaintiffs and Defendants hereby stipulate to the  
18 following revised proposed schedule and page limits regarding discovery, briefing of motions for  
19 summary judgment, and trial deadlines:<sup>1</sup>

20 **Schedule**

Event	Deadline
Plaintiffs’ motion for summary judgment	January 24, 2018
Defendants’ oppositions and cross-motions for summary judgment	February 23, 2018
Plaintiffs’ reply and opposition	March 26, 2018
Defendants’ replies	April 9, 2018
Hearing on motions for summary judgment	April 23, 2018
Fact discovery cutoff	March 12, 2018

27 <sup>1</sup> By entering this stipulation, Federal Defendants do not waive any argument regarding (i) the  
28 proper scope of judicial review for Endangered Species Act (“ESA”) claims, or (ii) the propriety  
of considering extra-record evidence related to ESA claims.

	Provided, however, that if issues remain for trial, any party may seek to reopen fact discovery based on a showing of good cause.
Expert disclosures	September 28, 2018
Rebuttal expert disclosures	October 26, 2018
Expert discovery cutoff	November 27, 2018
Last day to file joint pretrial statement	December 11, 2018
Pretrial conference	December 18, 2018
Last day to serve proposed pretrial order	January 8, 2019
Last day to file opening trial briefs	January 15, 2019
Last day to file answering trial briefs	January 29, 2019
First day of trial.	February 5, 2019

**Page Limits.** Each set of Parties – Plaintiffs, Federal Defendants, the SRS Contractors, and the Delta-Mendota Canal Contractors – shall be limited to a maximum of 40 pages for opening and opposition briefs on motions for summary judgment, and a maximum of 20 pages for reply briefs on summary judgment.

DATED: November 16, 2017

/s/ Katherine S. Poole  
Katherine S. Poole

KATHERINE POOLE (SBN 195010)  
DOUGLAS ANDREW OBEGI (SBN 246127)  
NATURAL RESOURCES DEFENSE COUNCIL  
111 Sutter Street, 21st Floor  
San Francisco, CA 94104  
Telephone: (415) 875-6100  
Facsimile: (415) 875-6161

*Attorneys for Plaintiff NRDC*

HAMILTON CANDEE (SBN 111376)  
BARBARA JANE CHISHOLM (SBN 224656)  
TONY LOPRESTI (SBN 289269)  
CORINNE JOHNSON (SB 287385)  
ALTSHULER BERZON LLP  
177 Post St., Suite 300  
San Francisco, CA 94108  
Telephone: (415) 421-7151  
Facsimile: (415) 362-8064

*Attorneys for Plaintiff NRDC*

TRENT W. ORR (SBN 77656)  
EARTHJUSTICE  
50 California St. Suite 500  
San Francisco, CA 94111  
Telephone: (415) 217-2000

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Facsimile: (415) 217-2040

*Attorneys for Plaintiffs*

DATED: November 16, 2017

/s/ Nicole M. Smith (as authorized on Nov. 15, 2017)  
Nicole M. Smith

U.S. DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATURAL RESOURCES  
DIVISION  
601 D Street, NW Room 3712  
Washington, D.C. 20044-7611  
Telephone: (202) 305-0368  
Facsimile: (202) 305-0275

*Attorneys for Respondents Ryan Zinke, in his official  
capacity as Secretary of the Interior, et al.*

DATED: November 16, 2017

/s/ Meredith Nikkel (as authorized on Nov. 14, 2017)  
Meredith Nikkel

DOWNEY BRAND LLP  
621 Capitol Mall, 18th Floor  
Sacramento, CA 95814  
Telephone: (916) 444-1000  
Facsimile: (916) 444-2100

*Attorneys for Intervenors and Joined Party  
Defendants Reclamation District No. 108, Sutter  
Mutual Water Company, Natomas Central Mutual  
Water Company, River Garden Farms Company,  
Pleasant Grove-Verona Mutual Water Company,  
Pelger Mutual Water Company, Meridian Farms  
Water Company, Henry D. Richter, et al., Howald  
Farms, Inc., Oji Brothers Farm, Inc., Oji Family  
Partnership, Carter Mutual Water Company,  
Windswept Land And Livestock Company, Maxwell  
Irrigation District, and Tisdale Irrigation and  
Drainage Company*

DATED: November 16, 2017

/s/ Andrew Hitchings (as authorized on Nov. 14,  
2017)  
Andrew Hitchings

SOMACH SIMMONS & DUNN  
A Professional Corporation  
500 Capitol Mall, Suite 1000  
Sacramento, CA 95814

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Telephone: (916) 446-7979  
Facsimile: (916) 446-8199

*Attorneys for Intervenors and Joined Party  
Defendants Glenn-Colusa Irrigation District,  
Princeton-Codora-Glenn Irrigation District,  
Provident Irrigation District, Anderson-Cottonwood  
Irrigation District, City Of Redding, M & T Chico  
Ranch (Pacific Realty Associates), Reclamation  
District No. 1004, Conaway Preservation Group,  
LLC, and David and Alice te Velde Family Trust*

DATED: November 16, 2017

/s/ Daniel J. O'Hanlon (as authorized on Nov. 16,  
2017)

Daniel J. O'Hanlon

**KRONICK, MOSKOVITZ, TIEDEMANN &  
GIRARD**

A Professional Corporation  
400 Capitol Mall, 27th Floor  
Sacramento, CA 95814  
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*

1 **ORDER**

2 Pursuant to the Parties’ Stipulation, the Court hereby ORDERS that the following schedule  
3 for further proceedings in this case is established.

Event	Deadline
Plaintiffs’ motion for summary judgment	January 24, 2018
Defendants’ oppositions and cross-motions for summary judgment	February 23, 2018
Plaintiffs’ reply and opposition	March 26, 2018
Defendants’ replies	April 9, 2018
Hearing on motions for summary judgment	April 23, 2018
Fact discovery cutoff	March 12, 2018 Provided, however, that if issues remain for trial, any party may seek to reopen fact discovery based on a showing of good cause.
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Last day to file opening trial briefs	January 15, 2019
Last day to file answering trial briefs	January 29, 2019
First day of trial.	February 5, 2019

17 Pursuant to the Parties’ Stipulation, the Court further ORDERS that the following page  
18 limits apply to the parties’ dispositive motions briefing:

Brief	Pages (as to each set of Parties)
Plaintiffs’ motion for summary judgment	40
Defendants’ motions for summary judgment and oppositions	40
Plaintiffs’ opposition and reply	40
Defendants’ replies	20

24 IT IS SO ORDERED.

25 Dated: November 16, 2017

26 /s/ Lawrence J. O’Neill  
27 UNITED STATES CHIEF DISTRICT JUDGE