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13 **UNITED STATES DISTRICT COURT**
14 **EASTERN DISTRICT OF CALIFORNIA**

16 BAY.ORG, *et al.*,
17 Plaintiffs,
18 v.
19 ZINKE, *et al.*,
20 Defendants
21 and
22 STATE WATER CONTRACTORS, *et al.*,
23 Defendant-Intervenors.

Civ. No. 1:17-cv-01176-LJO-EPG

**STIPULATION TO EXTEND DEADLINES
AND SCHEDULING ORDER**

1 **RECITALS**

2 WHEREAS, the Court issued a scheduling order on October 23, 3017, ECF No. 44;

3 WHEREAS, in the October 23, 2017 scheduling order the Court stated that the dates set
4 in the Court’s order were considered to be firm and would not be modified absent a showing of
5 good cause, *id.*;

6 WHEREAS, the Court also stated that stipulations extending already established
7 deadlines would not be considered unless such stipulations were accompanied by a declaration,
8 *id.*;

9 WHEREAS, accompanying this stipulation is a declaration from Kaylee Allen, Field
10 Supervisor for the San Francisco Bay-Delta Fish and Wildlife Office (Attachment 1), explaining
11 the Fish and Wildlife Service’s (“Service”) contention that good cause exists to extend the
12 deadline for the Service to lodge the Administrative Record for the Service’s Biological Opinion
13 for the California WaterFix;

14 WHEREAS, the Service contends that considerable time was expended to collect
15 potentially relevant documents from current Service and Department of the Interior (“Interior”)
16 employees as well as former employees, Allen Decl. ¶¶ 6; 7;

17 WHEREAS, the Service contends that the process to acquire a software program
18 necessary to handle the size of the record expected in this case and to format and upload the
19 documents into the database took longer than originally anticipated; *id.* at ¶¶ 8, 9, 10, 11;

20 WHEREAS, the Service contends that it has four full time staff and five managers
21 working to complete the record and has determined that it will need an additional two months to
22 complete the Administrative Record, *id.* at ¶¶ 13, 14;

23 WHEREAS, the Service contends that good cause exists to modify the existing schedule;

24 WHEREAS, the Plaintiffs have agreed to the Service’s proposed modification in a good
25 faith effort to be cooperative;

26 WHEREAS, the proposed schedule maintains the dispositive briefing and hearing
27 schedule, as previously set by the Court, (ECF No. 44).

28 **STIPULATION**

STIPULATION TO EXTEND DEADLINES

1 NOW THEREFORE, counsel for Plaintiffs and Defendants hereby stipulate to the
2 following revised proposed schedule:

3 **Schedule**

4 Event	Deadline
5 FWS shall lodge the AR	June 20, 2018
6 Motion to Supplement Administrative Record	July 10, 2018
7 Response to Motion to Supplement Administrative Record	July 27, 2018
8 Reply to Motion to Supplement Administrative Record	August 3, 2018
9 Plaintiffs Motion for Summary Judgment on all claims shall be filed	October 10, 2018
10 Defendants' oppositions and any cross-motion for summary judgment shall be filed	November 9, 2018
11 Plaintiffs' reply and oppositions to Defendants' motion for summary judgment shall be filed	November 30, 2018
12 Defendants' Reply to their cross-motion for summary judgment shall be filed	December 21, 2018

13
14 Respectfully submitted,

15
16 Dated: March 27, 2018

/s/ Nicole M. Smith
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24 Dated: March 27, 2018

/s/Claire Woods (as authorized March 22, 2018)
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Attorneys for Plaintiffs

Dated: March 27, 2018

/s/William M. Sloan (as authorized March 26, 2018)

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*Attorney for State Water Contractors and
Metropolitan Water District Defendant-Intervenors*

Dated: March 27, 2018

/s/Clifford Thomas Lee (as authorized March 23,
2018)

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*Attorneys for Department of Resources Defendant-
Intervenor*

1 **ORDER**

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

4

Event	Deadline
FWS shall lodge the AR	June 20, 2018
Motion to Supplement Administrative Record	July 10, 2018
Response to Motion to Supplement Administrative Record	July 27, 2018
Reply to Motion to Supplement Administrative Record	August 3, 2018
Plaintiffs Motion for Summary Judgment on all claims shall be filed	October 10, 2018
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15 IT IS SO ORDERED.

16 Dated: March 27, 2018

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

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