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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

**STIPULATION AND ORDER  
REGARDING DEPOSITIONS OF NMFS  
EMPLOYEES**

1 **RECITALS**

2 WHEREAS, on March 20, 2018, the parties filed a Stipulation and (Proposed) Scheduling  
3 Order (ECF No. 1193), which the Court adopted on March 22, 2018 (ECF No. 1194);

4 WHEREAS, the March 22, 2018 scheduling order sets a fact discovery cutoff of May 30,  
5 2018 (ECF No. 1194);

6 WHEREAS, Plaintiff Natural Resources Defense Council (“NRDC”) subpoenaed National  
7 Marine Fisheries Service (“NMFS”) employees Maria Rea and Dr. Danner to appear for  
8 deposition on May 9, 2018 and May 16, 2018, respectively;

9 WHEREAS, on April 20, 2018, Magistrate Judge Grosjean issued an order denying  
10 Department of Commerce’s (“Department”) motion to quash the subpoenas and granting NRDC’s  
11 motion to compel (ECF No. 1204);

12 WHEREAS, on May 4, 2018, Defendants Sacramento River Settlement (“SRS”)  
13 Contractors filed a request for reconsideration by the District Court of the Magistrate Judge’s order  
14 (ECF No. 1228), which the Department and Defendant Department of Interior joined (ECF No.  
15 1229) (collectively, “Request for Reconsideration”);

16 WHEREAS, to allow the District Court time to rule on the request for reconsideration,  
17 NRDC and the Federal Defendants agree to postpone the depositions of the NMFS employees to  
18 June 20 and June 27, 2018;

19 WHEREAS, the SRS Contractors do not object to the depositions occurring after May 30,  
20 2018 to the extent that the Request for Reconsideration is resolved such that the depositions will  
21 proceed;

22 AND WHEREAS, by signing this stipulation the parties do not waive any arguments  
23 regarding the effects of the May 30, 2018 fact discovery cutoff, the Request for Reconsideration,  
24 or the Seventh Claim for Relief asserted in the Sixth Supplemental Complaint (ECF No. 1187).

25 **STIPULATION**

26 NOW THEREFORE, counsel for Plaintiffs and Defendants hereby stipulate that, to the  
27 extent the Request for Reconsideration is resolved such that the depositions of Maria Rea and Eric  
28 Danner will proceed, the depositions may occur after May 30, 2018.

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DATED: May 11, 2018

/s/ Katherine S. Poole  
Katherine S. Poole

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/s/ Nicole M. Smith (as authorized on May 11, 2018)

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*Attorney for Federal Defendants*

DATED: May 11, 2018

/s/ Meredith Nikkel (as authorized on May 11, 2018)  
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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: May 11, 2018

/s/ Andrew Hitchings (as authorized on May 11,  
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Andrew Hitchings

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Irrigation District, City Of Redding, M & T Chico  
Ranch (Pacific Realty Associates), Reclamation  
District No. 1004, Conaway Preservation Group,  
LLC, David and Alice te Velde Family Trust, Knights  
Landing Investors, LLC and Pelger Road 1700, LLC*

DATED: May 11, 2018

/s/ Daniel J. O'Hanlon (as authorized on May 11,  
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Water District, Mercy Springs Water District, Oro  
Loma Water District, and Tranquillity Irrigation  
District*

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**ORDER**

Pursuant to the Parties' Stipulation, the Court hereby ORDERS that, to the extent the Request for Reconsideration is resolved such that the depositions of Maria Rea and Eric Danner will proceed, the depositions may occur after May 30, 2018.

IT IS SO ORDERED.

Dated: May 14, 2018

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