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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 SCHEDULING  
ORDER**

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 (Dkt. 1194);

4 WHEREAS, the March 22, 2018 scheduling order sets the deadline for Plaintiffs'  
5 combined summary judgment opposition and reply on May 29, 2018 (Dkt. 1194);

6 WHEREAS, Plaintiffs' counsel have represented that they have several unexpected  
7 emergency filings this week, including a response to an emergency writ in the California Supreme  
8 Court, which have made filing their combined opposition and reply next Tuesday, May 29, 2018,  
9 extremely difficult;

10 WHEREAS, the parties agree to a 10-day extension of Plaintiffs' response deadline, along  
11 with conforming extensions of Defendants' reply deadline and the summary judgment hearing;

12 WHEREAS, the extensions do not change the remaining discovery and trial dates set in the  
13 March 22, 2018 scheduling order (Dkt. 1194);

14 WHEREAS, the revised schedule continues to take into account the Court's estimate that it  
15 will optimistically require 12 weeks to rule on the parties' cross-motions for summary judgment  
16 (Dkt. 1139), and to maintain the parties' previously requested 5-month interval between the ruling  
17 on summary judgment motions and trial (Dkt. 1142);

18 WHEREAS, Federal Defendants and Defendant SRS Contractors agree to the revised  
19 schedule on the condition that any deposition of National Marine Fisheries Service employees  
20 Maria Rea or Dr. Eric Danner (*see* Dkt. 1239) will occur after summary judgment briefing  
21 concludes;

22 WHEREAS, Defendants SRS Contractors agree to the revised schedule on the condition  
23 that any future modifications to the schedule will be based on a 30-day interval between the ruling  
24 on summary judgment motions and expert disclosures (Dkt. 1136), and 5 months between the  
25 ruling on summary judgment motions and trial;

26 **STIPULATION**

27 NOW THEREFORE, counsel for Plaintiffs and Defendants hereby stipulate to the  
28 following summary judgment briefing schedule:

- 1 • Plaintiffs' combined summary judgment opposition and reply: June 8, 2018
- 2 • Defendants' summary judgment replies: June 26, 2018
- 3 • Hearing on motions for summary judgment: July 10, 2018

4 Counsel for Plaintiffs and Defendants hereby further stipulate that, if the depositions of  
5 National Marine Fisheries Service employees Maria Rea and Dr. Eric Danner are ordered  
6 to proceed, those depositions will occur after summary judgment briefing concludes.

7 DATED: May 24, 2018

/s/ Barbara J. Chisholm

8 Barbara J. Chisholm

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25 DATED: May 24, 2018

/s/ Nicole M. Smith (as authorized on May 24, 2018)

26 Nicole M. Smith

27 U.S. DEPARTMENT OF JUSTICE  
28 ENVIRONMENT & NATURAL RESOURCES  
DIVISION

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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 24, 2018

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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, David and Alice te Velde Family Trust, Knights  
Landing Investors, LLC and Pelger Road 1700, LLC*

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DATED: May 24, 2018

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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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**ORDER**

Pursuant to the Parties’ Stipulation, the Court hereby ORDERS that the following summary judgment briefing schedule is established.

- Plaintiffs’ combined summary judgment opposition and reply: June 8, 2018
- Defendants’ summary judgment replies: June 26, 2018
- Hearing on motions for summary judgment: July 10, 2018

IT IS SO ORDERED.

Dated: May 25, 2018

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