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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**

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8 NATURAL RESOURCES DEFENSE
COUNCIL, *et al.*,

9 Plaintiffs,

10 v.

11 DAVID BERHARDT, in his official
12 capacity as Acting Secretary of the
Interior, *et al.*,

13 Defendants.
14

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

**ORDER DENYING UNITED STATES'
MOTIONS TO QUASH THE TRIAL
SUBPOENAS FOR MR. SMITH, MARIA
REA, AND ERIC DANNER**

(ECF Nos. 1289, 1291)

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16 Currently before the Court is the motion to quash the trial subpoenas for Mr. Smith, Ms.
17 Rea, and Dr. Danner (ECF Nos. 1289, 1291). The Court has reviewed and considered
18 Plaintiffs' proffer of trial testimony (ECF No. 1317) and supplemental proffer of trial testimony
19 of Mr. Smith (ECF No. 1327). The Court finds that live testimony from Mr. Smith, Ms. Rea,
20 and Dr. Danner is appropriate. Accordingly,

21 **IT IS ORDERED** that the Motions to quash the subpoenas for Mr. Smith, Ms. Rea,
22 and Dr. Danner to appear for testimony at trial (ECF Nos. 1289, 1291) are DENIED. In light of
23 this ruling, Defendants' request for leave to file a response to Plaintiffs' supplemental proffer
24 of trial testimony for Mr. Smith (ECF No. 1331) is DENIED as moot.
IT IS SO ORDERED.

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26 Dated: March 20, 2019

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE

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