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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

COALITION FOR A SUSTAINABLE DELTA,
BELRIDGE WATER STORAGE DISTRICT,
BERRENDA MESA WATER DISTRICT, LOST
HILLS WATER DISTRICT, WHEELER RIDGE-
MARICOPA WATER STORAGE DISTRICT, and
DEE DILLON,

Plaintiffs,

vs.

DONALD KOCH, in his official capacity as Director
of the California Department of Fish and Game,

Defendant,

CENTRAL DELTA WATER AGENCY, et al.

Defendant-Intervenors,

CALIFORNIA SPORTFISHING PROTECTION
ALLIANCE, et al.,

Defendant-Intervenors.

) Case No: 1:08-CV-00397-OWW-GSA

) **ORDER RE PLAINTIFFS' MOTION TO**
) **COMPEL DOCUMENTS WITHHELD**
) **BASED ON DELIBERATIVE PROCESS**
) **PRIVILEGE**

) Hearing Date: September 10, 2009
) Time: 1:00 p.m.
) Courtroom: 3
) Judge: Hon. Oliver W. Wanger

1 UPON CONSIDERATION of Plaintiffs' motion to compel disclosure of documents withheld by
2 Defendant Donald Koch on the basis of the deliberative process privilege, and having considered all
3 associated filings, oral argument, and evidence presented at the hearing, and based on the findings and
4 conclusions set forth in this Court's October 15, 2009 Memorandum Decision (Doc. 101), the Court
5 hereby orders Defendant Donald Koch to produce to Plaintiffs' counsel, within ten (10) days of the date
6 of this Order, documents 46 and 47 identified in the Joint Statement of the Parties. With respect to
7 documents 34-45, 48-54, 62, 68, 73, and 75-89, the Court hereby denies Plaintiff's motion. Further, the
8 Court denies Plaintiffs' request for fees and reasonable expenses.

9
10 **IT IS SO ORDERED.**

11 Dated: October 28, 2009

/s/ OLIVER W. WANGER
United States District Court Judge