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10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE EASTERN DISTRICT OF CALIFORNIA

13 **COALITION FOR A SUSTAINABLE**  
 14 **DELTA, BELRIDGE WATER STORAGE**  
 15 **DISTRICT, BERRENDA MESA WATER**  
 16 **DISTRICT, LOST HILLS WATER**  
 17 **DISTRICT, WHEELER RIDGE-**  
 18 **MARICOPA WATER STORAGE**  
 19 **DISTRICT, AND DEE DILLON,**

Plaintiffs,

v.

20 **JOHN McCAMMAN, Acting Director,**  
**California Department of Fish and Game,**

Defendant,

23 **CENTRAL DELTA WATER AGENCY, et**  
**al.,**

Defendant-Intervenors,

26 **CALIFORNIA SPORTFISHING**  
**PROTECTION ALLIANCE, et al.,**

Defendant-Intervenors.

1:08-CV-00397-OWW-GSA  
 (Related to Case Nos. 1:05-CV-022-GSA and  
 1:06-CV-00245-OWW-GSA)

**STIPULATION AND ORDER RE  
 PLAINTIFFS' STANDING**

1 **STIPULATION**

2 Plaintiffs Coalition for a Sustainable Delta, Belridge Water Storage District, Berrenda Mesa  
3 Water District, Lost Hills Water District, Wheeler Ridge-Maricopa Water Storage District, and  
4 Dee Dillon (Plaintiffs), Defendant John McCamman, Acting Director, California Department of  
5 Fish and Game (Defendant), Intervenor Central Delta Water Agency, South Delta Water  
6 Agency, Honker Cut Marine, Inc., Rudy Mussi and Robert Souza (CDWA et al.), and Intervenor  
7 California Sportfishing Protection Alliance, California Striped Bass Association, and Northern  
8 California Council of Federation of Flyfishers (CSPA et al.) hereby stipulate and agree as  
9 follows:

10 A. Whereas Plaintiffs and each of them have alleged standing to maintain the instant  
11 action against Defendant for alleged violations of the federal Endangered Species Act by  
12 enforcing the California Fish and Game Commission’s Striped Bass Sportfishing Regulation, 14  
13 C.F.R. § 5.75; and

14 B. Whereas, Defendant, CDWA et al. and CSPA et al. dispute the standing of Plaintiffs,  
15 and each of them to maintain the instant action; and

16 C. Whereas, Defendant has propounded discovery, including interrogatories and requests  
17 for production of documents to Plaintiffs, and each of them, seeking to discover the factual basis  
18 for Plaintiffs’ alleged standing; and

19 D. Whereas, Plaintiffs contend that Plaintiff Dee Dillon is a member of Plaintiff  
20 Coalition for a Sustainable Delta (Coalition); and

21 E. Whereas, Plaintiffs, and each of them, in their respective Responses dated May 29,  
22 2009, have objected to discovery propounded by Defendant on Plaintiffs Coalition, Belridge  
23 Water Storage District, Berrenda Mesa Water District, Lost Hills Water District, and Wheeler  
24 Ridge-Maricopa Water Storage District on the ground that the standing of one plaintiff is  
25 sufficient to maintain the instant action on behalf of all the named Plaintiffs, in reliance on,  
26 among other decisions, *Massachusetts v. EPA*, 549 U.S. 518 (2007) and *Council of Ins. Agents &*  
27 *Brokers v. Molasky-Arman*, 522 F.3d 925, 932 (9th Cir. 2008) (see also letter dated October 1,  
28 2009 from Henry S. Weinstock, Esq. to Daniel M. Fuchs, Esq.); and

1 F. Whereas, Plaintiffs, and each of them, contend that they will be able to establish the  
2 standing of Plaintiff Dee Dillon and Plaintiff Coalition, to the extent that Plaintiff Dee Dillon is a  
3 member of Plaintiff Coalition, (and through them, the other Plaintiffs) to maintain the instant  
4 action;

5 Now therefore, to resolve the discovery dispute and to reduce the issues in this litigation,  
6 the parties stipulate and agree that, subject to the approval of the Court:

7 1. Plaintiffs shall, in any summary adjudication proceeding or at trial, assert and present  
8 evidence of the standing only of Plaintiff Dee Dillon, and thereby assert the standing of Plaintiff  
9 Coalition, only to the extent that it is based upon Plaintiff Dee Dillon being a member having  
10 standing of Plaintiff Coalition;

11 2. Plaintiffs waive their right to assert and present evidence of the standing of Plaintiff  
12 Coalition, except to the extent that the standing of Plaintiff Coalition is based upon Plaintiff Dee  
13 Dillon being a member of Plaintiff Coalition having standing of his own right, and the interests at  
14 stake in this case are germane to the purposes of Plaintiff Coalition;

15 3. Plaintiffs waive their right to assert and present evidence of the standing of Plaintiffs  
16 Belridge Water Storage District, Berrenda Mesa Water District, Lost Hills Water District, and  
17 Wheeler Ridge-Maricopa Water Storage District and other members of Coalition;

18 4. Failure by Plaintiffs to establish the standing of Plaintiff Dee Dillon shall be deemed  
19 a failure to establish standing of all of the Plaintiffs, but if Plaintiffs establish the standing of  
20 Plaintiff Dee Dillon, they shall be deemed to establish the standing to sue of Plaintiff Coalition,  
21 and the Court need not decide the standing of the other plaintiffs;

22 5. Defendant agrees to withdraw any and all outstanding discovery demands, including  
23 efforts to meet and confer on insufficient discovery responses, regarding the standing of Plaintiffs  
24 Belridge Water Storage District, Berrenda Mesa Water District, Lost Hills Water District, and  
25 Wheeler Ridge-Maricopa Water Storage District;

26 6. Defendant, CDWA et al. and CSPA et al. further agree not to propound any  
27 additional discovery, including seeking the depositions of representatives of Plaintiffs Belridge  
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1 Water Storage District, Berrenda Mesa Water District, Lost Hills Water District, and Wheeler  
2 Ridge-Maricopa Water Storage District on the issue of Plaintiffs Belridge Water Storage District,  
3 Berrenda Mesa Water District, Lost Hills Water District, and Wheeler Ridge-Maricopa Water  
4 Storage District's standing to maintain the instant action.

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Dated: December 10, 2009

Respectfully Submitted,  
EDMUND G. BROWN JR.  
Attorney General of California

By /s/ Deborah A. Wordham  
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Dated: December 10, 2009

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Dated: December 10, 2009

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Central Delta Water Agency, et al.*

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Dated: December 10, 2009

MICHAEL B. JACKSON

By /s/ Michael B. Jackson

MICHAEL B. JACKSON  
*Attorneys for Defendants in Intervention  
California Sportfishing Protection  
Alliance, et al.*

**ORDER**

IT IS SO ORDERED.

Date: December 11, 2009

/s/ OLIVER W. WANGER  
The Honorable Judge Oliver W. Wanger  
District Court Judge

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