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 8 CALIFORNIA DEPARTMENT OF FISH & GAME

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

11  
 12 **COALITION FOR A SUSTAINABLE**  
 13 **DELTA, BELRIDGE WATER STORAGE**  
 14 **DISTRICT, BERRENDA MESA WATER**  
 15 **DISTRICT, LOST HILLS WATER**  
 16 **DISTRICT, WHEELER RIDGE-**  
 17 **MARICOPA WATER STORAGE**  
 18 **DISTRICT, AND DEE DILLON,**

1:08-CV-00397-OWW-GSA  
 (RELATED TO CASE NOS. 1:05-CV-022-GSA  
 AND 1:06-CV-00245-OWWA-GSA)

**STIPULATION AND ORDER RE  
 ADMISSIBILITY OF EXPERT  
 REPORTS**

19 PLAINTIFFS,

20 v.

21 **JOHN MCCAMMAN, DIRECTOR,**  
 22 **CALIFORNIA DEPARTMENT OF FISH AND GAME,**

23 DEFENDANT,

24 **CENTRAL DELTA WATER AGENCY, ET**  
 25 **AL.**

26 DEFENDANT-INTERVENORS,

27 **CALIFORNIA SPORTFISHING**  
 28 **PROTECTION ALLIANCE, ET AL.,**

DEFENDANT-INTERVENORS.

1 All parties to this action hereby stipulate and agree as follows:

2 A. Whereas much of the evidence in this case will consist of expert testimony;

3 B. Whereas the parties have designated a total of 5 expert witnesses, and they have  
4 exchanged reports prepared by their experts in accordance with FRCP 26(a)(2); and

5 C. Whereas the parties desire to expedite the trial and facilitate the efficient presentation of  
6 evidence.

7 Now, therefore, the parties agree as follows:

8 1. All of the expert reports that were previously exchanged by the parties in October and  
9 November 2009 shall be admissible at trial as part of the direct examination of the expert who  
10 authored the report, and in support of or opposition to any motions. No expert reports shall be  
11 admissible at trial for any expert that does not actually testify at trial.

12 2. The parties waive all objections to the admissibility of the opinions, supporting data, and  
13 conclusions in these reports based on the hearsay rule. However, no party waives any other  
14 objections or arguments regarding any expert's reports and supporting data, including but not  
15 limited to objections regarding relevancy, competency, methods, and opinions, and the weight, if  
16 any, to be given to them.

17 3. The direct and cross-examination of these experts at trial shall not be limited to their  
18 expert reports and may be supplemented by additional testimony and documentary evidence,  
19 consistent with the requirements of FRCP 26(a)(2) and the Federal Rules of Evidence.

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1 DATED: JANUARY 28, 2010

Edmund G. Brown Jr.  
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Clifford T. Lee  
Deborah A. Wordham  
Daniel M. Fuchs  
Deputy Attorneys General

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By           /s/ Clifford T. Lee          

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Fish and Game*

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10 DATED: JANUARY 28, 2010

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BY           /s/ Henry S. Weinstock          

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18 DATED: JANUARY 28, 2010

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By           /s/ Daniel A. McDaniel          

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Central Delta Water Agency, et al.*

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DATED: JANUARY 28, 2010

MICHAEL B. JACKSON

BY /s/ Michael B. Jackson

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

**ORDER**

FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.

DATE: JANUARY 29, 2010

/s/ OLIVER W. WANGER  
UNITED STATES SENIOR DISTRICT JUDGE