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8	Attorneys for John McCamman, Director, California Department of Fish and Game		
9	Cargornia Department of I ish and Game		
10	IN THE UNITED STATES DISTRICT COURT		
11	FOR THE EASTERN DISTRICT OF CALIFORNIA		
12		C N 1.00 CV 00207 OWW CVO	
13	COALITION FOR A SUSTAINABLE DELTA, BELRIDGE WATER STORAGE	Case No.: 1:08-CV-00397-OWW-SKO (Related to Case Nos. 1:05-CV-022-GSA and	
14	DISTRICT, BERRENDA MESA WATER	1:06-CV-00245-OWW-GSA)	
15	DISTRICT, LOST HILLS WATER DISTRICT, WHEELER RIDGE-MARICOPA	STIPULATION AND ORDER	
16	WATER STORAGE DISTRICT, and DEE DILLON,		
	Plaintiffs,		
17	vs.		
18			
19 20	JOHN McCAMMAN, DIRECTOR, CALIFORNIA DEPARTMENT OF FISH		
21	AND GAME,		
22	Defendant,		
	CENTRAL DELTA WATER AGENCY, et al.,		
23	Defendant-Intervenors,		
24	CALIFORNIA SPORTFISHING PROTECTION ALLIANCE, et al.,		
25	Defendant-Intervenors.		
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Stipulation and [Proposed] Order (1:08-CV-00397-OWW-SKO)

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STIPULATION

The parties hereto hereby stipulate as follows:

- A. Whereas Plaintiffs recently filed a Supplemental Declaration of Dee Dillon in support of Plaintiffs' Motion for Partial Summary Judgment (Doc. 154), and this Supplemental Declaration described recent visits by Dee Dillon to the Delta on April 30 and May 1, 2010, as well as his plan to visit the Delta again in October 2010;
- В. Whereas these trips to the Delta could not have been discussed in Mr. Dillon's deposition on December 1, 2009;
- C. Whereas counsel for John McCamman, Director, Department of Fish and Game (State Defendant) has requested, and Plaintiffs' counsel has agreed, that the State Defendant can take a second deposition of Mr. Dillon, limited to the issues of Mr. Dillon's recent and planned future visits to the Delta, and that the deposition transcript may be used by any party in connection with the pending motions for summary judgment;
- D. Whereas FRCP 26(e)(1)(A) requires each party to supplement its discovery responses if the party learns that in some material respect the disclosure or response is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing;
- E. Whereas the State Defendant has not supplemented his discovery responses since January 27, 2010;
- F. Whereas the State Defendant agrees to supplement his discovery responses by June 1, 2010 if and to the extent he has information which requires that his discovery responses be supplemented pursuant to FRCP 26(e)(1)(A), and the supplemental responses, if otherwise admissible, may be used by any party in connection with the pending motions for summary judgment.

Now, therefore, the parties stipulate and agree as follows, subject to approval of the Court:

- **Second Dillon Deposition** The State Defendant may take a short deposition of 1. Plaintiff Dee Dillon on the following conditions:
 - A. The deposition will commence May 27, 2010 at 1:00 p.m. in Nossaman's

1 2 3	Dated: May 24, 2010	EDMUND G. BROWN JR. ATTORNEY GENERAL OF CALIFORNIA CLIFFORD T. LEE DEBORAH A. WORDHAM DANIEL M. FUCHS
4		DEPUTY ATTORNEYS GENERAL
5		
6		By_/s/Deborah A. Wordham
7		DEBORAH A. WORDHAM DEPUTY ATTORNEY GENERAL
8		Attorneys for Defendant John McCamman, Director of the California Department of
9		Fish and Game
10	Dated: May 21, 2010	NOSSAMAN LLP
11	,	ROBERT D. THORNTON PAUL S. WEILAND
12		HENRY S. WEINSTOCK BENJAMIN Z. RUBIN
13		BBI WILLIAM (ELITE BII)
14		By <u>/s/ (Authorized 5/21/2010)</u>
15		HENRY S. WEINSTOCK
16		Attorneys for Plaintiffs Coalition for a Sustainable Delta, et al.
17		
18	Dated: May 24, 2010	NOMELLINI, GRILLI & MCDANIEL PROFESSIONAL LAW CORPORATION
19		
20		
21		Dy /s/(Authorized 5/24/2010)
22		BY /s/ (Authorized 5/24/2010) DANIEL A. McDANIEL
23		Attorneys for Defendants in Intervention Central Delta Water Agency, et al.
24		Central Della maier Agency, et al.
25		
26		
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		3

1	Dated: May 21, 2010	MICHAEL B. JACKSON
2		
3		
4		By_/s/(Authorized 5/21/2010 MICHAEL B. JACKSON
5		MICHAEL B. JACKSON Attorneys for Defendants in Intervention
6		Attorneys for Defendants in Intervention California Sportfishing Protection Alliance, et al.
7		
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11	IT IS SO ORDERED.	
12	Dated: May 24, 2010	/s/ Oliver W. Wanger UNITED STATES DISTRICT JUDGE
13		OMILD STATES DISTRICT JUDGE
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		Stipulation and Order (1:08-CV-00397-OWW-SKO)