

1 EDMUND G. BROWN JR., State Bar No. 37100
Attorney General of California
2 SARA J. RUSSELL
Supervising Deputy Attorney General
3 DEBORAH A. WORDHAM, State Bar No. 180508
Deputy Attorney General
4 CLIFFORD T. LEE, State Bar No. 74687
Deputy Attorney General
5 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
6 Telephone: (415) 703-5546
Fax: (415) 703-5480
7 E-mail: Cliff.Lee@doj.ca.gov
8 *Attorneys for John McCamman, Director*
Department of Fish & Game

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

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

16 Plaintiffs,

17 v.

18
19 **JOHN McCAMMAN, in his official capacity as
Acting Director, California Department of Fish
20 and Game,**

21 Defendants.

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

23 **Defendants-Interveners,**

24
25 **CALIFORNIA SPORTSFISHING
26 PROTECTION ALLIANCE, et al.**

27 **Defendants-Interveners,**
28

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 PRE-
TRIAL CONFERENCE AND
MOTIONS IN LIMINE**

Judge The Honorable Oliver W.
Wanger

Trial Date January 25, 2011

1 WHEREAS, the Court has presently scheduled a pre-trial conference in the above-entitled
2 matter for November 22, 2010 at 11:00 a.m., and

3 WHEREAS, the counsel for Defendant-interveners Central Delta Water Agency, South
4 Delta Water Agency, Honker Cut Marine, Inc., Rudy Mussi, and Robert Souza has informed
5 counsel for all parties that he has a scheduling conflict with the November 22, 2010 pre-trial
6 conference date, and

7 WHEREAS, the plaintiffs have filed with this Court three separate motions in limine
8 against the State defendant, and said motions are presently scheduled for hearing on
9 November 22, 2010, and

10 WHEREAS, the plaintiffs have filed with this Court a motion in limine against defendant-
11 interveners Central Delta Water Agency, et al., and said motion is presently scheduled for hearing
12 on November 29, 2010 and

13 WHEREAS, all parties reserve the right to file motions in limine for hearing after the pre-
14 trial conference,

15 NOW, THEREFORE, the plaintiffs, the State defendant, Defendant-interveners Central
16 Delta Water Agency, South Delta Water Agency, Honker Cut Marine, Inc., Rudy Mussi, and
17 Robert Souza, and Defendant-interveners California Sportfishing Protection Alliance, California
18 Striped Bass Association, and the Northern California Council of Federation of Fly Fishers,
19 stipulate and agree, through their respective counsel of record and subject to the approval of the
20 Court, as follows:

21 **Plaintiffs' Motions in Limine**

22 1. The hearing on the plaintiffs' four motions in limine shall be continued to
23 November 29, 2010 at 2:00 p.m.

24 2. The State defendant's oppositions to the plaintiffs' motions in limine shall be filed by
25 noon, November 12, 2010.

26 3. Defendant-interveners Central Delta Water Agency et al.'s opposition to the
27 plaintiffs' motion in limine shall be filed by noon on November 15, 2010.

1 4. Plaintiffs' replies to all oppositions shall be filed by November 22, 2010.

2 **Pretrial Conference**

3 5. The pre-trial conference currently scheduled for November 22, 2010, shall be
4 continued to November 29, 2010 at 2:00 p.m.

5 6. Plaintiffs will provide the State defendant and the defendant-interveners with a draft
6 of the "joint elements" (e.g. undisputed facts) of the Joint Pre-Trial Statement by noon,
7 November 11, 2010.

8 7. The State defendant and the defendant-interveners will provide the plaintiffs with the
9 State defendant's "separate elements" of the Joint Pre-Trial Statement (e.g. exhibit lists) by noon
10 November 18, 2010, but not the State's witness list, which was exchanged October 25.¹

11 8. Assuming defendants timely provide their "separate elements" and the parties are
12 able to reach agreement on the "joint elements," plaintiffs will provide the State defendant and
13 the defendant-interveners with a final review draft of the Joint Pre-Trial Conference Statement by
14 4:00 p.m. on November 19, 2010.

15
16
17
18
19
20
21
22
23
24
25
26
27
28

¹ The defendant-interveners contend that they were not required to exchange their witness lists on October 25, 2010 and may still do so until November 18, 2010. Plaintiffs contend that all parties were required to exchange witness lists on October 25, 2010.

1 Dated: November 8, 2010

EDMUND G. BROWN JR.
ATTORNEY GENERAL OF CALIFORNIA
CLIFFORD T. LEE
DEBORAH A. WORDHAM
DANIEL M. FUCHS
DEPUTY ATTORNEYS GENERAL

2

3

4

5

By: /s/ Daniel M. Fuchs

6

7

DANIEL M. FUCHS
DEPUTY ATTORNEY GENERAL
ATTORNEYS FOR DEFENDANT JOHN
McCAMMAN, DIRECTOR OF THE CALIFORNIA
DEPARTMENT OF FISH AND GAME

8

9

10 Dated: November 8, 2010

NOSSAMAN LLP
ROBERT D. THORNTON
PAUL S. WEILAND
HENRY S. WEINSTOCK
BENJAMIN Z. RUBIN

11

12

13

14

By: /s/ Henry S. Weinstock
(As authorized 11/05/10)

15

16

HENRY S. WEINSTOCK
ATTORNEYS FOR PLAINTIFFS
COALITION FOR A SUSTAINABLE DELTA, ET AL.

17

18

19

Dated: November 8, 2010

NOMELLINI, GRILLI & McDANIEL
PROFESSIONAL LAW CORPORATION

20

21

By: /s/ Daniel A. McDaniel
(As authorized 11/05/10)

22

23

DANIEL A. MCDANIEL
ATTORNEYS FOR DEFENDANTS IN
INTERVENTION CENTRAL DELTA WATER
AGENCY, ET AL.

24

25

26

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: November 8, 2010

MICHAEL B. JACKSON

By: /s/ Michael B. Jackson
(As authorized 11/08/10)

MICHAEL B. JACKSON
ATTORNEYS FOR DEFENDANTS IN
INTERVENTION CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE, ET AL.

IT IS SO ORDERED.

Dated: November 9, 2010

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE