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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION**

THE DELTA SMELT CASES

1:09-cv-00407-OWW-GSA  
1:09-cv-00422-OWW-GSA  
1:09-cv-00631-OWW-GSA  
1:09-cv-00892-OWW-GSA  
PARTIALLY CONSOLIDATED WITH:  
1:09-cv-00480-OWW-GSA

SAN LUIS & DELTA-MENDOTA WATER  
AUTHORITY et al. v. SALAZAR et al. (Case  
No. 1:09-cv-407)

STATE WATER CONTRACTORS v.  
SALAZAR et al. (Case No. 1:09-cv-422)

**ORDER RE: PAGE LIMITS**

Judge: Honorable Oliver W. Wanger

COALITION FOR A SUSTAINABLE DELTA  
et al. v. UNITED STATES FISH AND  
WILDLIFE SERVICE et al. (Case No. 1:09-cv-  
480)

METROPOLITAN WATER DISTRICT v.  
UNITED STATES FISH AND WILDLIFE  
SERVICE et al. (Case No. 1:09-cv-631)

STEWART & JASPER ORCHARDS et al. v.  
UNITED STATES FISH AND WILDLIFE  
SERVICE et al. (Case No. 1:09-cv-892)

Having considered the parties' Stipulation and Proposed Order re: Page Limits for the early dispositive motions to be filed August 3, 2009, the Court hereby ORDERS as follows:

1. Page limits for the NEPA claims shall be not greater than 35 pages, total, per side for moving and opposing memoranda of points and authorities and not greater than 15 pages, total, for reply memoranda of points and authorities.

ORDER RE: PAGE LIMITS

1           2.       Page limits for the RPA claims allowed as part of the early dispositive motions  
2 shall be not greater than 35 pages, total, per side for moving and opposing memoranda of points  
3 and authorities and not greater than 15 pages, total, for reply memoranda of points and  
4 authorities.

5           3.       For purposes of the foregoing pages limits for the NEPA claims, all plaintiffs,  
6 collectively, shall be considered one side, and the federal defendants, real parties in interest  
7 United States Bureau of Reclamation and J. William McDonald, and the defendant-intervenor  
8 parties, collectively, shall be considered one side. For purposes of the foregoing pages limits for  
9 the RPA claims, all plaintiffs and real parties in interest California Department of Water  
10 Resources and Director Lester Snow, collectively, shall be considered one side, and the federal  
11 defendants, real parties in interest United States Bureau of Reclamation and J. William  
12 McDonald, and the defendant-intervenor parties, collectively, shall be considered one side.

13           4.       Page limits for the Commerce Clause claims asserted by the plaintiffs in *Stewart*  
14 *& Jasper, etc. al. v. United States Fish & Wildlife Service, et al.*, Case No. 1:09-cv-892 shall be  
15 not greater than 25 pages per party for moving and opposing memoranda of points and  
16 authorities and not greater than 10 pages for the reply memorandum of points and authorities.  
17 The plaintiffs in this action understand that at least one and potentially more amici will move to  
18 submit briefs in support of the plaintiffs. The federal defendants and defendant-intervenor  
19 parties have reserved their right to oppose the submission of amicus briefs when such motions  
20 are filed, to seek to submit separate briefs in response to the amicus briefs, and to seek an  
21 extension of the briefing schedule for these briefs if the Court allows the submission of amicus  
22 briefs.

23           5.       The page limits and coordination of briefing set forth herein applies solely to the  
24 early dispositive motions on the NEPA, RPA and Commerce Clause claims to be filed on August  
25 3, 2009 and shall have no effect on the briefing of any other claims.

26 Dated: 7/17/2009

\_\_\_\_\_/s/ OLIVER W. WANGER\_\_\_\_\_  
Honorable Oliver W. Wanger  
United States District Court Judge