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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

THE DELTA SMELT CASES

SAN LUIS & DELTA-MENDOTA
WATER AUTHORITY, et al. v.
SALAZAR, et al.
(Case No. 1:09-CV-0407)

1:09-CV-0407 OWW GSA
1:09-CV-0422 OWW GSA
1:09-CV-0631 OWW GSA
1:09-CV-0892 OWW GSA
PARTIALLY CONSOLIDATED WITH:
1:09-CV-0480 OWW GSA

STATE WATER CONTRACTORS v.
SALAZAR, et al.
(Case No. 1:09-CV-0422)

**ORDER RE: SCHEDULE FOR EXPERT
SUBMISSIONS AND MOTIONS FOR
SUMMARY JUDGMENT AND RE PAGE
LIMITS**

COALITION FOR A SUSTAINABLE
DELTA et al. v. UNITED STATES FISH
AND WILDLIFE SERVICE, et al.
(Case No. 1:09-CV-0480)

Judge: Honorable Oliver W. Wanger

METROPOLITAN WATER DISTRICT v.
UNITED STATES FISH AND WILDLIFE
SERVICE, et al. (Case No. 1:09-CV-0631)

STEWART & JASPER ORCHARDS,
et al. v. UNITED STATES FISH AND
WILDLIFE SERVICE, et al.
(Case No. 1:09-CV-0892)

ORDER RE: EXPERT AND MSJ SCHEDULE AND RE PAGE LIMITS

1 On October 8, 2009, the Court heard the parties' submissions, as ordered by the
2 Court, regarding the schedule for filing expert submissions (other than Federal Rule of
3 Evidence section 706 expert submissions) and motions for summary judgment and
4 regarding page limits for the memoranda in support of motions for summary judgment.
5 The Court has fully considered the submissions, evidence, and oral arguments submitted
6 by the parties, and good cause appearing therefore,

7 THE COURT HEREBY ORDERS:

8 1. The briefing schedule regarding expert declarations shall be as follows:

9 A. Plaintiffs and California Department of Water Resources and its
10 Director Lester Snow's (collectively as "DWR")¹ expert declarations shall be filed and
11 served on or before **November 13, 2009;**

12 B. Federal defendants and defendant-intervenors' rebuttal expert
13 declarations shall be filed and served on or before **December 11, 2009;**

14 2. The briefing and hearing schedule for motions/cross-motions for summary
15 judgment shall be as follows:

16 A. Plaintiffs and DWR's motions for summary judgment shall be filed
17 and served on or before **December 21, 2009;**

18 B. Federal defendants and defendant-intervenors' oppositions to
19 motions for summary judgment and any cross-motions for summary judgment shall be
20 filed and served on or before **February 18, 2010;**

21 C. Plaintiffs' and DWR's reply briefs in support of motions for summary
22 judgment shall be filed and served on or before **March 1, 2010;**

23 D. The hearing shall be held on **March 23, 2010**, commencing at 8:30
24 a.m. Extended time has been reserved on the Court's calendar for the hearing.

25 3. Page limits for the memoranda of points and authorities in support of,
26 opposition to and replies for the summary judgment shall not be greater than 200 pages

27 _____
28 ¹ DWR's participation in briefing is contingent upon its becoming a proper party or an amicus to
this action.

1 total, collectively, per side. Plaintiffs and DWR, collectively, are considered one side, and
2 the federal defendants and defendant intervenors, collectively, are considered one side.
3 Allocation of the page limits between the briefs is reserved to the discretion of each side.
4 Any party has the ability to apply to the Court for relief from the page limits set forth
5 above should it be necessary for a complete and fair presentation of the issues.

6 4. Per agreement, the parties are relieved from Eastern District Local Rule
7 requirement regarding the filing separate statements of undisputed material facts in
8 support of their motions for summary judgment.

9 **IT IS SO ORDERED.**

10 Dated: __October 19, 2009__

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

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