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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 FOLLOWING NOVEMBER 19,
2009 SCHEDULING CONFERENCE**

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-0480)

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: NOVEMBER 19, 2009 SCHEDULED SCHEDULING CONFERENCE

1 On November 19, 2009, the Court conducted a scheduling conference regarding
2 NEPA remedies. After considering the arguments submitted by the parties, and good
3 cause appearing therefore,

4 THE COURT HEREBY ORDERS:

5 1. The parties are to meet and confer to determine whether interim remedies
6 issues can be resolved without a hearing and are to report the results of the meet and
7 confer to the Court during a further scheduling conference on November 25, 2009 at 9:00
8 a.m. As part of the meet and confer, plaintiffs, through counsel for plaintiffs San Luis &
9 Delta-Mendota Water Authority and Westlands Water District, shall circulate their
10 proposed interim remedy to all parties by close of business Friday, November 20, 2009.

11 2. A further scheduling conference regarding interim remedies is set for
12 November 25, 2009 at 9:30 a.m. in Courtroom 3 before the Honorable Oliver W. Wanger.
13 The parties may appear telephonically.

14 3. California Department of Water Resources (DWR) shall circulate a proposed
15 stipulation to file a complaint in intervention. All other parties shall respond by close of
16 business Tuesday, November 24, 2009, advising whether they will stipulate to the filing of
17 the complaint in intervention. If all parties so stipulate, the stipulation and complaint in
18 intervention shall be filed November 25, 2009, and DWR shall be deemed a plaintiff in
19 these consolidated cases. If the parties do not agree to the stipulation, any motion for
20 leave to file the complaint in intervention shall be filed and served on or before December
21 1, 2009; any opposition shall be filed and served on or before December 4, 2009; and the
22 motion shall be heard on December 7, 2009 at 10:00 a.m. in Courtroom 3 before the
23 Honorable Oliver W. Wanger.

24 4. The briefing schedule regarding expert declarations and motions for
25 summary judgment is modified as follows:

26 A. Federal defendants and defendant-intervenors' expert declarations in
27 response to plaintiffs' expert declarations filed November 13, 2009 shall be filed and
28 served on or before December 14, 2009;

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B. Plaintiffs and DWR's motions for summary judgment shall be filed and served on or before December 24, 2009;

5. In all other respects the briefing and hearing schedule remains unchanged.

IT IS SO ORDERED.

Dated: __November 24, 2009

/s/OLIVER W WANGER_

Honorable Oliver W. Wanger
United States District Court Judge