

1 COUNSEL IDENTIFICATION AT END

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

7 **THE DELTA SMELT CASES**

8  
9 SAN LUIS & DELTA-MENDOTA WATER  
10 AUTHORITY et al. v. SALAZAR et al. (Case  
No. 1:09-cv-407)

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

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

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

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

**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

**STIPULATION AND ORDER  
AMENDING SUMMARY  
JUDGMENT SCHEDULE**

Judge: Honorable Oliver W. Wanger

1 Pursuant to Local Rule 143(b) and as set forth on the record at the conclusion of the  
2 coordinated hearings in the Consolidated Delta Smelt Cases and the Consolidated Salmonid  
3 Cases on April 7, 2010, all parties in this action, by and through their respective counsel of  
4 record, as identified below, hereby stipulate to amend the briefing and hearing schedule on the  
5 motions for summary judgment as follows:

6 1. Federal Defendants and Defendant-Intervenors shall file their opposition to  
7 Plaintiffs' and Plaintiff-in-Intervention California Department of Water Resources' ("DWR")  
8 motions for summary judgment and shall file any cross-motion for summary judgment by **April**  
9 **19, 2010.**

10 2. Plaintiffs and DWR shall file their reply briefs and any opposition to any cross-  
11 motions for summary judgment by **May 14, 2010.**

12 3. The hearing on the parties' motions for summary judgment is continued to **June**  
13 **8-9, 2010**, commencing at 9:00 a.m. Extended time has been reserved on the Court's calendar  
14 for the hearing.

15 4. The page limits previously set and ordered by the Court remain in effect.

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17 **SO STIPULATED**

18

19 Dated: April 12, 2010

20 KRONICK, MOSKOVITZ, TIEDEMANN &  
GIRARD, A Law Corporation  
21 DIEPENBROCK HARRISON  
A Professional Corporation  
WESTLANDS WATER DISTRICT

22

23 By: /s/ [Eileen M. Diepenbrock]  
24 EILEEN M. DIEPENBROCK  
25 Attorneys for Plaintiffs  
26 SAN LUIS & DELTA-MENDOTA WATER  
27 AUTHORITY AND WESTLANDS WATER  
28 DISTRICT

1 Dated: April 12, 2010

WESTLANDS WATER DISTRICT

3 By: /s/ [Thomas W. Birmingham] (as authorized)  
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6 WESTLANDS WATER DISTRICT

7 Dated: April 12, 2010

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14 STATE WATER CONTRACTORS

15 Dated: April 12, 2010

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21 COALITION FOR A SUSTAINABLE DELTA  
22 and KERN COUNTY WATER AGENCY

23 Dated: April 12, 2010

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28 THE METROPOLITAN WATER  
DISTRICT OF SOUTHERN CALIFORNIA

1 Dated: April 12, 2010

PACIFIC LEGAL FOUNDATION

3 By: /s/ [Brandon M. Middleton](as authorized)

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6 BRANDON M. MIDDLETON  
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8 STEWART & JASPER ORCHARDS;  
9 ARROYO FARMS, LLC; and KING  
PISTACHIO GROVE

8 Dated: April 12, 2010

9 THE BRENDA DAVIS LAW GROUP

10 By: /s/ [Brenda W. Davis](as authorized)

11 BRENDA W. DAVIS  
12 LESLIE R. WAGLEY  
13 Attorneys For Plaintiff  
14 FAMILY FARM ALLIANCE

14 Dated: April 12, 2010

15 EDMUND G. BROWN, JR., ATTORNEY  
16 GENERAL OF THE STATE OF CALIFORNIA

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18 CLIFFORD T. LEE  
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MICHAEL M. EDSON  
ALLISON GOLDSMITH  
20 Deputies Attorney General  
21 Attorneys for Plaintiff-In-Intervention  
22 CALIFORNIA DEPARTMENT OF  
23 WATER RESOURCES

22 Dated: April 12, 2010

23 IGNACIA S. MORENO, ASSISTANT ATTORNEY  
24 GENERAL  
United State Department of Justice,  
25 Environmental & Natural Resources Division  
26 JEAN E. WILLIAMS, CHIEF

27 By: /s/ [Ethan Carson Eddy] (as authorized)

28 ETHAN CARSON EDDY, Trial Attorney  
Wildlife & Marine Resources Section  
Attorneys for FEDERAL DEFENDANTS

1 Dated: April 12, 2010

NATURAL RESOURCES DEFENSE COUNCIL

3 By: /s/ [Katherine Poole] (as authorized)

4 KATHERINE POOLE

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6 Attorneys for Defendant-Intervenor

7 NATURAL RESOURCES DEFENSE

8 COUNCIL

7 Dated: April 12, 2010

THE BAY INSTITUTE

9 By: /s/ [Trent W. Orr] (as authorized)

10 TRENT W. ORR

11 GEORGE M. TORGUN

12 Attorneys For Defendant-Intervenor

13 THE BAY INSTITUTE

14 IT IS SO ORDERED.

15 Dated: April 14, 2010

16 /s/ Oliver W. Wanger

17 UNITED STATES DISTRICT JUDGE