

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

COUNSEL IDENTIFICATION AT END

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

THE DELTA SMELT CASES
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)
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)

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

**SECOND STIPULATION AND  
ORDER FOR EXTENSION TO FILE  
JUDGMENT ON REMAINING  
CLAIMS**

Judge: Honorable Oliver W. Wanger

1 Pursuant to Minute Order, Document 782, in the Consolidated Delta Smelt Cases, the  
2 Court requested a proposed judgment by February 14, 2011, consistent with the prior orders of  
3 this court, entering judgment on all claims in the consolidated cases for which final judgment has  
4 not yet been entered. The parties subsequently stipulated to and the Court granted an extension  
5 of this deadline to February 22, 2011. The parties have been discussing the issue but require  
6 more time to research the issue and finalize their positions. All parties in this action, by and  
7 through their respective counsel of record, as identified below, therefore stipulate as follows:

8 All parties request a further extension to and including **March 15, 2011** by which time  
9 the parties will submit (a) a proposed judgment; (b) their respective positions with respect to the  
10 proposed judgment, and/or (c) a request for a conference with the Court regarding the proposed  
11 judgment.

12 **SO STIPULATED**

13  
14 Dated: February 22, 2011

KRONICK, MOSKOVITZ, TIEDEMANN &  
GIRARD, A Law Corporation  
DIEPENBROCK HARRISON  
A Professional Corporation

15  
16  
17 By: /s/ [Eileen M. Diepenbrock]  
EILEEN M. DIEPENBROCK  
Attorneys for Plaintiffs  
SAN LUIS & DELTA-MENDOTA WATER  
18 AUTHORITY AND WESTLANDS WATER  
19 DISTRICT  
20

21 Dated: February 22, 2011

BROWNSTEIN HYATT FARBER SCHRECK LLP

22  
23 By: /s/ [Steve O. Sims] (as authorized)  
STEVE O. SIMS  
Attorneys for Plaintiff  
24 WESTLANDS WATER DISTRICT  
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: February 22, 2011

BEST BEST & KRIEGER LLP

By: /s/ [Gregory K. Wilkinson](as authorized)  
GREGORY K. WILKINSON  
STEVEN M. ANDERSON  
PAETER E. GARCIA  
MELISSA R. CUSHMAN  
Attorneys for Plaintiff  
STATE WATER CONTRACTORS

Dated: February 22, 2011

NOSSAMAN LLP

By: /s/ [Paul S. Weiland](as authorized)  
ROBERT D. THORNTON  
PAUL S. WEILAND  
AUDREY HUANG  
Attorneys for Plaintiffs  
COALITION FOR A SUSTAINABLE DELTA  
and KERN COUNTY WATER AGENCY

Dated: February 22, 2011

MORRISON & FOERSTER LLP

By: /s/ [William M. Sloan](as authorized)  
CHRISTOPHER J. CARR  
WILLIAM M. SLOAN  
Attorneys for Plaintiff  
THE METROPOLITAN WATER  
DISTRICT OF SOUTHERN CALIFORNIA

Dated: February 22, 2011

PACIFIC LEGAL FOUNDATION

By: /s/ [Brandon M. Middleton](as authorized)  
M. REED HOPPER  
DAMIEN M. SCHIFF  
BRANDON M. MIDDLETON  
Attorneys for Plaintiffs  
STEWART & JASPER ORCHARDS;  
ARROYO FARMS, LLC; and KING  
PISTACHIO GROVE

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: February 22, 2011

THE BRENDA DAVIS LAW GROUP

By: /s/ [Brenda W. Davis](as authorized)  
BRENDA W. DAVIS  
LESLIE R. WAGLEY  
Attorneys For Plaintiff  
FAMILY FARM ALLIANCE

Dated: February 22, 2011

KAMALA DEVI HARRIS, ATTORNEY  
GENERAL OF THE STATE OF CALIFORNIA

By: /s/ [Cecilia L. Dennis](as authorized)  
CLIFFORD T. LEE  
CECILIA L. DENNIS  
MICHAEL M. EDSON  
ALLISON GOLDSMITH  
Deputies Attorney General  
Attorneys for Plaintiff-In-Intervention  
CALIFORNIA DEPARTMENT OF  
WATER RESOURCES

Dated: February 22, 2011

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

By: /s/ [Ethan Carson Eddy] (as authorized)  
ETHAN CARSON EDDY, Trial Attorney  
Wildlife & Marine Resources Section  
Attorneys for FEDERAL DEFENDANTS

Dated: February 22, 2011

NATURAL RESOURCES DEFENSE COUNCIL

By: /s/ [Katherine Poole] (as authorized)  
KATHERINE POOLE  
DOUG OBEGI  
Attorneys for Defendant-Intervenor  
NATURAL RESOURCES DEFENSE  
COUNCIL

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: February 22, 2011

THE BAY INSTITUTE

By: /s/ [Trent W. Orr] (as authorized)  
TRENT W. ORR  
GEORGE M. TORGUN  
Attorneys For Defendant-Intervenor  
THE BAY INSTITUTE

IT IS SO ORDERED.

Dated: February 24, 2011

/s/ OLIVER W. WANGER  
UNITED STATES DISTRICT JUDGE