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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-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 & 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)
FAMILY FARM ALLIANCE v. SALAZAR, et al. (Case No. 09-cv-1201)

CASE NO. 1:09-cv-407-OWW-DLB
1:09-cv-422-OWW-DLB
1:09-cv-631-OWW-DLB
1:09-cv-892-OWW-GSA
PARTIALLY CONSOLIDATED WITH:
1:09-cv-480-OWW-GSA
1:09-cv-1201-OWW-DLB

ORDER ON MOTION IN LIMINE TO EXCLUDE WITNESSES OR, IN THE ALTERNATIVE, TO CONTINUE EVIDENTIARY HEARING

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The Court has read and considered the memoranda of points and authorities and other documents in support of and in opposition to the motion *in limine* to exclude witnesses or, in the alternative, to continue the motion for injunctive relief brought by Federal Defendants. The Court also having considered the arguments of counsel at the hearing on these matters held on February 23, 2011.

Accordingly, good cause appearing, IT IS HEREBY ORDERED that:

1. **The Motion is DENIED.**
2. Mr. James Snow shall testify on March 1, 2011, commencing at 8:30 a.m.
3. Dr. Kenneth Burnham shall be permitted to testify at the scheduled hearing. Dr. Burnham's direct examination shall be limited to 54 minutes and shall be limited to rebutting Mr. Matthew Nobriga's declaration and testimony regarding particle tracking. A copy of Dr. Burnham's report shall be provided to Federal Defendants by February 25, 2011, and Dr. Burnham shall be made available to the Federal Defendants and/or Defendant-Intevernors for deposition on February 28, 2011.

IT IS SO ORDERED.

Dated: February 25, 2011

/s/ OLIVER W. WANGER
United States District Judge