

1 COUNSEL IDENTIFICATION AT END

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3
4 UNITED STATES DISTRICT COURT
5 EASTERN DISTRICT OF CALIFORNIA
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7
8 THE DELTA SMELT CASES

9 SAN LUIS & DELTA-MENDOTA WATER
10 AUTHORITY et al v. SALAZAR et al.

11 (Case No. 1:09-cv-407)

12 STATE WATER CONTRACTORS v. SALAZAR
13 et al.

(Case No. 1:09-cv-422)

14 COALITION FOR A SUSTAINABLE DELTA et
15 al. v. UNITED STATES FISH AND WILDLIFE
SERVICE et al.

16 (Case No. 1:09-cv-480)

17 METROPOLITAN WATER DISTRICT v.
18 UNITED STATES FISH AND WILDLIFE
SERVICE et al.

19 (Case No. 1:09-cv-631)

20 STEWART & JASPER ORCHARDS et al. v.
21 UNITED STATES FISH AND WILDLIFE
SERVICE et al.

22 (Case No. 1:09-cv-892)
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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

**JOINT STIPULATION AND ORDER RE
MOTION FOR FEES AND/OR COSTS**

Judge: Honorable Oliver W. Wanger

JOINT STIPULATION AND ORDER RE FEES

1 **RECITALS**

2 1. On May 17, 2011, the Court entered its “Amended Judgment” (Doc. 884) in the above-
3 captioned Delta Smelt Consolidated Cases. Paragraph (J) of the amended judgment provides as follows:

4 “The parties shall meet and confer regarding any request by Plaintiffs, or any of them,
5 and/or DWR for recovery of attorneys’ fees and/or costs. Any motion for recovery of
6 attorneys’ fees and/or costs shall be filed on or before July 1, 2011.”

7 (Amended Judgment at 4:6-8.) The amended judgment remains in effect except as modified by this
8 stipulation.

9 2. On April 7, 2011, the Natural Resources Defense Council and The Bay Institute,
10 Defendant-Intervenors in the above-captioned Delta Smelt Consolidated Cases, appealed to the United
11 States Court of Appeals for the Ninth Circuit from the final judgment entered in the action, and all
12 interlocutory orders and decisions contributing to that final judgment. (Doc. 853.)

13 3. The parties, by and through their respective counsel of record, as identified below, have
14 met and conferred and hereby seek to continue the deadline for any motion for recovery of attorneys’
15 fees and/or costs.

16 **AGREEMENT AND STIPULATION**

17 The parties hereby agree and stipulate to enter into the following agreement regarding any
18 motion for recovery of attorneys’ fees and/or costs:

19 1. Plaintiffs San Luis & Delta-Mendota Water Authority, Westlands Water District, State
20 Water Contractors , Metropolitan Water District of Southern California, Coalition for a Sustainable
21 Delta, Kern County Water Agency, Stewart & Jasper Orchards, Arroyo Farms, LLC, King Pistachio
22 Grove, and Family Farm Alliance (“Plaintiffs”), or any of them, and/or Plaintiff-Intervenor California
23 Department of Water Resources (“DWR) shall be entitled to file any motion for recovery of attorneys’
24 fees and/or costs (“Fee Motion”) beyond the date specified in paragraph (J) of the amended judgment.

25 2. Any Fee Motion shall be filed by Plaintiffs, or by any of them, and/or by DWR in
26 accordance with applicable law subsequent to the entry of a final order disposing of any appeal in the
27 above-captioned Delta Smelt Consolidated Cases.

28 **JOINT STIPULATION AND ORDER RE FEES**

1 DATED: June 10, 2011

NOSSAMAN LLP

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3 By: /s/ Paul S. Weiland

4 ROBERT D. THORNTON
5 PAUL S. WEILAND
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8 Attorneys for Plaintiffs
9 COALITION FOR A SUSTAINABLE DELTA
10 AND KERN COUNTY WATER AGENCY

11 DATED: June 10, 2011

MORRISON & FOERSTER LLP

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13 EDGAR B. WASHBURN
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15 WILLIAM M. SLOAN
16 TRAVIS BRANDON

17 Attorneys for Plaintiff
18 THE METROPOLITAN WATER DISTRICT OF
19 SOUTHERN CALIFORNIA

20 DATED: June 10, 2011

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21 By: /s/ Gregory K. Wilkinson

22 GREGORY K. WILKINSON
23 STEVEN M. ANDERSON
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27 STATE WATER CONTRACTORS

28 DATED: June 10, 2011

**SAN LUIS & DELTA-MENDOTA WATER
AUTHORITY and WESTLANDS WATER
DISTRICT**

By: /s/ Eileen M. Diepenbrock

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Attorneys for Plaintiffs
SAN LUIS & DELTA-MENDOTA WATER
AUTHORITY and WESTLANDS WATER
DISTRICT

JOINT STIPULATION AND ORDER RE FEES

1 DATED: June 10, 2011

WESTLANDS WATER DISTRICT

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3 By: /s/ Steve O. Sims

4 STEVE O. SIMS
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5 Attorneys for Plaintiff
WESTLANDS WATER DISTRICT

6 DATED: June 10, 2011

PACIFIC LEGAL FOUNDATION

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8 By: /s/ Brandon M. Middleton

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BRANDON M. MIDDLETON

10 Attorneys for Plaintiffs
11 STEWART & JASPER ORCHARDS; ARROYO
12 FARMS, LLC; and KING PISTACHIO GROVE

13 DATED: June 10, 2011

THE BRENDA DAVIS LAW GROUP

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15 By: /s/ Brenda W. Davis

16 BRENDA W. DAVIS

17 Attorneys for Plaintiffs
18 FAMILY FARM ALLIANCE

19 DATED: June 10, 2011

**KAMALA D. HARRIS, ATTORNEY
GENERAL OF THE STATE OF
CALIFORNIA**

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21 By: /s/ Cecilia L. Dennis

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23 CECILIA L. DENNIS
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25 Attorneys for Plaintiff-In-Intervention
26 CALIFORNIA DEPARTMENT OF WATER
RESOURCES

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28
JOINT STIPULATION AND ORDER RE FEES

1 DATED: June 10, 2011

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

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5 By: /s/ Ethan Eddy
6 ETHAN EDDY, Trial Attorney
7 Wildlife & Marine Resources Section
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9 Attorney for FEDERAL DEFENDANTS

10 DATED: June 10, 2011

**NATURAL RESOURCES DEFENSE
COUNCIL**

11 By: /s/ Katherine Poole
12 KATHERINE POOLE
13 DOUG OBEGI
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15 Attorneys for Defendant-Intervenors
16 NATURAL RESOURCES DEFENSE COUNCIL

17 DATED: June 10, 2011

THE BAY INSTITUTE

18 By: /s/ Trent W. Orr
19 TRENT W. ORR
20 GEORGE M. TORGUN
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22 Attorneys for Defendant-Intervenors
23 THE BAY INSTITUTE

24 IT IS SO ORDERED.

25 Dated: June 10, 2011

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

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JOINT STIPULATION AND ORDER RE FEES