

1 COUNSEL IDENTIFICATION AT END

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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

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CONSOLIDATED SALMON CASES

CASE NOS.

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SAN LUIS & DELTA-MENDOTA WATER
AUTHORITY, et al. v. GARY F. LOCKE,
et al. (Case No. 1:09-cv-1053)

1:09-cv-1053-OWW-DLB
1:09-cv-1090-OWW-DLB
1:09-cv-1378-OWW-DLB

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STOCKTON EAST WATER DISTRICT v.
NOAA, et al. (Case No. 1:09-cv-1090)

1:09-cv-1520-OWW-DLB
1:09-cv-2452-OWW-DLB
1:09-cv-1625-OWW-SMS

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STATE WATER CONTRACTORS v.
GARY F. LOCKE, et al.
(Case No. 1:09-cv-1378)

**ORDER PURSUANT TO STATUS
CONFERENCE HELD ON MARCH 16,
2010 RE CASE SCHEDULE**

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KERN COUNTY WATER AGENCY, et al.
v. U.S. DEPARTMENT OF COMMERCE,
et al. (Case No. 1:09-cv-1520)

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OAKDALE IRRIGATION DISTRICT, et al.
v. U.S. DEPARTMENT OF COMMERCE,
et al. (Case No. 1:09-cv-2452)

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METROPOLITAN WATER DISTRICT OF
SOUTHERN CALIFORNIA v. NMFS, et al.
(Case No. 1:09-cv-1625)

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1 **PROPOSED ORDER**

2 The Court held a scheduling conference in this consolidated actions on March 16, 2010.
3 Plaintiffs San Luis & Delta-Mendota Water Authority and Westlands Water District were
4 represented by Diepenbrock Harrison by Eileen M. Diepenbrock and Kronick, Moskovitz,
5 Tiedemann & Girard by Daniel J. O’Hanlon, Esq. Plaintiff Westlands Water District also was
6 represented by Thomas W. Birmingham. The California Department of Water Resources was
7 represented by Deputy Attorney General Clifford T. Lee. State Water Contractors were
8 represented by Best, Best & Krieger, by Gregory K. Wilkinson, Esq. Metropolitan Water District
9 of Southern California was represented by Morrison & Foerster, by Christopher J. Carr, Esq.
10 Kern County Water Agency and Coalition for a Sustainable Delta were represented by Nossaman
11 LLP, by Paul Weiland Esq. Oakdale Irrigation District and South San Joaquin Irrigation District
12 were represented by O’Laughlin & Paris LLP, by William C. Paris, Esq. Stockton East Water
13 District was represented by Herum Crabtree by Jennifer L. Spaletta, Esq. Federal Defendants,
14 including the Secretary of the United States Department of Commerce, Gary F. Locke, the United
15 States Department of Commerce, National Oceanic and Atmospheric Administration’s
16 (“NOAA”) National Marine Fisheries Service (“NMFS), Assistant Administrator Eric C.
17 Schwaab¹, Administrator for the Southwest Region Rodney R. McInnis, the United States
18 Department of the Interior, United States Bureau of Reclamation (“Reclamation”), Commissioner
19 of Reclamation Michael L. Connor, and Donald R. Glaser, as Director of Reclamation, Mid-
20 Pacific Region were represented by Bridget Kennedy McNeil, Trial Attorney, Wildlife and
21 Marine Section, and William J. Shapiro, Trial Attorney, Natural Resources Section, U.S.
22 Department of Justice. Defendant-Intervenors California Trout, Friends of the River, Natural
23 Resources Defense Council, Northern California Council of the Federation of Fishermen’s
24 Associations/Institute for Fisheries Resources, Sacramento River Preservation Trust, San
25 Francisco Baykeeper, The Bay Institute, and Winnemem Wintu Tribe were represented by
26 Earthjustice, by Erin M. Tobin and Michael R. Sherwood. Defendant-Intervenor Natural

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28 ¹ Eric C. Schwaab was appointed Assistant Administrator for Fisheries in February 2010. He is
automatically substituted for his predecessor, James Balsiger, pursuant to Fed.R.Civ.P. 25(d).

1 Resources Defense Council was represented by Katherine S. Poole and Doug A. Obegi, Natural
2 Resources Defense Council.

3 The purpose of the conference was to address the filing and hearing for motions for
4 summary judgment. The parties and the Court discussed the timing for briefing and hearing
5 regarding the anticipated motion for summary judgment.

6 After discussion with the parties, the Court HEREBY ORDERES THAT:

7 1. A further status conference is set for **May 12, 2010 at 12:00 p.m.**

8 2. Plaintiffs shall file their motion for summary judgment on **July 6, 2010**. Any
9 papers filed in opposition to the motion for summary judgment will be filed by **August 10, 2010**.
10 Also on **August 10, 2010**, any cross-motions shall be filed by the defendants and the intervenor-
11 defendants. Plaintiffs' reply in support of their summary judgment motion, as well as any
12 opposition to any cross-motion for summary judgment filed by defendants and the intervenor-
13 defendants, shall be filed by **September 3, 2010**. Defendants' and intervenor-defendants' reply
14 on any cross-motions shall be filed by **September 22, 2010**.

15 3. The hearing on the parties' motion(s) for summary judgment is set for **October**
16 **21-22, 2010 commencing at 9:00 a.m. each day.**

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21 IT IS SO ORDERED.

22 Dated: May 5, 2010

/s/ Oliver W. Wanger
23 UNITED STATES DISTRICT JUDGE