

COUNSEL IDENTIFICATION AT END

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CONSOLIDATED SALMON CASES

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

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

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

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

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

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

CASE NOS.

1:09-cv-1053-OWW-DLB
1:09-cv-1090-OWW-DLB
1:09-cv-1378-OWW-DLB
1:09-cv-1520-OWW-DLB
1:09-cv-2452-OWW-DLB
1:09-cv-1625-OWW-SMS

**STIPULATION AND ORDER
AMENDING SUMMARY JUDGMENT
SCHEDULE**

Judge: Honorable Oliver W. Wanger

{00237286; 1}

1 WHEREAS the Hearing in the Consolidated Delta Smelt Cases on Plaintiffs' Motion for
2 Summary Judgment is continued to July 8 and 9, 2010, all parties in this action, by and through
3 their respective counsel of record, as identified below, hereby stipulate to amend the briefing and
4 hearing schedule on the cross-motions for summary judgment as follows:

5 1. Plaintiffs and Plaintiff-in-Intervention California Department of Water Resources
6 ("DWR") shall file any motions regarding party experts by **June 4, 2010**.

7 2. Federal Defendants and Defendant Intervenors shall file any opposition to motions
8 regarding party experts by **June 18, 2010**.

9 3. Plaintiffs and DWR shall file any reply to motions regarding party experts by **June**
10 **25, 2010**.

11 4. The hearing on the parties' motion for party experts shall be held on **July 8, 2010**,
12 commencing at 9:00 a.m.

13 5. Plaintiffs and DWR shall file their motions for summary judgment by **August 6,**
14 **2010**.

15 6. Federal Defendants and Defendant Intervenors shall file any opposition to motions
16 for summary judgment and any cross-motions for summary judgment by **September 13, 2010**.

17 7. Plaintiffs and DWR shall file any reply to motions for summary judgment and
18 oppositions to cross-motions for summary judgment by **October 4, 2010**.

19 8. Federal Defendants and Defendant Intervenors shall file replies to cross-motions
20 for summary judgment by **October 25, 2010**.

21 9. The hearing on the parties' motions for summary judgment is continued to
22 **November 18-19, 2010**, commencing at 9:00 a.m. Extended time has been reserved on the
23 Court's calendar for the hearing.

24 Federal Defendants and Defendant Intervenors do not oppose, in principal, the extensions
25 of the briefing and hearing schedule set forth above, but are concerned that the proposed
26 adjustments could delay resolution of the merits to the point that a second round of preliminary
27 injunctive relief may be sought. In the event such motions are filed, Federal Defendants and
28 Defendant Intervenors would oppose the appropriateness of those motions based on scheduling

1 concerns and reserve the right to seek relief from the briefing schedule presented in this
2 stipulation. Plaintiffs and DWR acknowledge this reservation, but do not agree that any such
3 opposition or relief from the above briefing schedule would be necessary or appropriate.

4 **SO STIPULATED**

5 Dated: June 3, 2010

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12 Dated: June 3, 2010

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27 FISHERIES RESOURCES, SACRAMENTO RIVER
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1 Dated: June 3, 2010

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Natural Resources Defense Council

Attorneys for Defendant-Intervenor NRDC

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9 IT IS SO ORDERED.

10 Dated: June 7, 2010

/s/ Oliver W. Wanger

UNITED STATES DISTRICT JUDGE