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11 **UNITED STATES DISTRICT COURT**  
12 **EASTERN DISTRICT OF CALIFORNIA**  
**FRESNO DIVISION**

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15 ) Case No. 1:09-cv-1053-OWW (Lead Case)  
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18 ) STIPULATION AND ORDER  
19 ) RE: SUMMARY JUDGMENT BRIEFING  
20 ) PAGE LIMITS AND MODIFICATION OF  
21 ) BRIEFING SCHEDULE AND ORAL  
22 ) ARGUMENT DATES  
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1 WHEREAS on July 30, 2010, the Court approved plaintiffs' requests for relief from the  
2 25-page limitation for opening briefs and requested that following the submission of opening  
3 briefs in support of summary judgment, the parties confer and attempt to agree on appropriate  
4 page limitations for Federal Defendants' and Defendant-Intervenors' responsive briefs, as well as  
5 page limitations for Plaintiffs' and DWR's reply briefs. If an agreement on page limitations for  
6 those subsequent briefs could not be reached before August 20, 2010, the Court would conduct a  
7 hearing on the matter on August 20, 2010 at 9:00 a.m.

8 WHEREAS on August 6, 2010, Plaintiffs filed an opening brief of 120 pages, DWR filed  
9 an opening brief of 27 pages, and the Stanislaus River Plaintiffs filed an opening brief of 39  
10 pages. See Docket Nos. 431, 446-1, and 454.

11 In satisfaction of their duties to meet and confer on subsequent page limitations, the  
12 parties now hereby stipulate to the following:

13 1. The parties will be limited to a maximum of 275 pages of briefing, per side, for  
14 the entire set of briefs, inclusive of the opening briefs already filed. Plaintiffs' "side" is  
15 defined for this purpose to include Plaintiff-Intervenor DWR and all other Plaintiffs  
16 except for the Stanislaus River Plaintiffs<sup>1</sup>; Defendants' "side" is defined to include both  
17 the Federal Defendants and the Defendant-Intervenors. The parties will continue to  
18 use all efforts to minimize the number of pages actually expended.

19 2. The Stanislaus River Plaintiffs, Federal Defendants, and Defendant-Intervenors,  
20 will be allowed 75 pages per side, for the entire set of briefs, inclusive of opening briefs  
21 already filed relating to Stanislaus River issues. Federal Defendants and Defendant-  
22 Intervenors are defined as one "side" for purposes of briefing Stanislaus River  
23 Plaintiffs' issues. See Docket No. 422.

24 3. The remaining summary judgment briefing deadlines will be extended as follows:  
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27 <sup>1</sup> The Stanislaus River Plaintiffs include Plaintiffs Stockton East Water District, Oakdale  
28 Irrigation District, and South San Joaquin Irrigation District.

1 a. The deadline for both Federal Defendants and Defendant-Intervenors'  
2 cross-motions for summary judgment and supporting materials will be extended  
3 from September 13, 2010, to September 30, 2010.

4 b. The deadline for Plaintiffs and Plaintiff-Intervenors' opposition/reply  
5 briefs will be extended from October 4, 2010, to October 28, 2010.

6 c. The deadline for Federal Defendants and Defendant-Intervenors' reply  
7 briefs will be extended from October 25, 2010, to November 18, 2010.

8 d. The oral argument on the cross-motions for summary judgment currently  
9 set for November 18-19, 2010, will be extended to December 16-17, 2010, or any  
10 other dates established by the Court.

11 4. If the Plaintiffs file a motion for temporary restraining order and/or preliminary  
12 injunction, the moving party will request a status conference within two court days to  
13 establish a briefing schedule and, if necessary, modification of the schedule above.  
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15 For good cause, the above extensions of the page limitations are granted and the modifications to  
16 the summary judgment schedule shall be made.  
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19 IT IS SO ORDERED.

20 Dated: **August 20, 2010**

**/s/ Oliver W. Wanger**  
21 UNITED STATES DISTRICT JUDGE  
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