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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION

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

CONSOLIDATED LEAD CASE

1:09-cv-01053-OWW-DLB

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

ORDER
GRANTING STIPULATION RE:
ADMINISTRATIVE RECORD
BRIEFING SCHEDULE AND RE:
PAGE LIMITS

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

Judge: Honorable Oliver W. Wanger

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)

Having considered the parties' Stipulation and Order Re: Administrative Record Briefing Schedule and Re: Page Limits filed herein and good cause appearing therefor, the Court hereby **ORDERS** as follows:

IT IS HEREBY ORDERED that:

1. The briefing and hearing schedule for motions to augment the Administrative Record or challenge the contents of the Administrative Record shall be revised as follows:

- a. Plaintiffs' and real parties in interest California Department of Water Resources and its Director Lestor Snow's (real parties in interest are

{00191962; 1}

PROPOSED ORDER GRANTING STIPULATION RE: BRIEFING SCHEDULE AND RE: PAGE LIMITS

1 referred to, collectively, as “DWR”) opening briefs shall be filed and
2 served on or before **December 14, 2009**;

3 b. Federal defendants and defendant-intervenors' opposition briefs shall be
4 filed and served on or before **January 22, 2010**;

5 c. Plaintiffs' and DWR's reply briefs shall be filed and served on or before
6 **February 5, 2010**; and

7 d. The hearing shall be held on **February 22, 2010**..

8 2. Page limits for the early dispositive motions to be filed on November 2, 2009
9 shall be not greater than 35 pages, total, per side for moving and opposing memoranda of points
10 and authorities and not greater than 15 pages, total, per side for reply memoranda of points and
11 authorities.

12 3. For purposes of the foregoing page limits for the early dispositive motions, all
13 plaintiffs and DWR, collectively, shall be considered one side, and the federal defendants and
14 defendant-intervenors, collectively, shall be considered one side.

15 4. The page limits and coordination of briefing set forth herein apply solely to the
16 early dispositive motions to be filed on November 2, and shall have no effect on the briefing of
17 any other issues or claims.

18 5. After the Administrative Record is filed by the federal defendants, the parties will
19 meet and confer about page limits on the motions to augment or otherwise challenge the contents
20 of the Administrative Record and thereafter submit to the Court their positions about page limits
21 for those briefs.

22 6. Page limits for the remaining motions for summary judgment will be deferred
23 until the March 1, 2010 scheduling conference.

24 7. The ordered consolidation of the cases does not require merger of the claims and
25 does not make the parties to one case parties to another case. The cases retain their
26 distinctiveness, and, where appropriate, the issues and briefing may remain separate.

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SO ORDERED.

Dated: September 16, 2009

/s/ OLIVER W. WANGER
Honorable Oliver W. Wanger
United States District Court Judge

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