

1 COUNSEL IDENTIFICATION ON FOLLOWING PAGE

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**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-1580),
METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA v. NMFS, et al. (Case No. 1:09-cv-1625),

CASE NOS.
1:09-cv-1053-LJO-BAM
1:09-cv-1090-LJO-DLB
1:09-cv-1378-LJO-DLB
1:09-cv-1520-LJO-DLB
1:09-cv-1580-LJO-DLB
1:09-cv-1625-LJO-DLB

**SECOND STIPULATION AND ORDER
REGARDING MOTION FOR
ATTORNEYS' FEES AND OTHER
EXPENSES**

Judge: Hon. Lawrence J. O'Neill

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IDENTIFICATION OF COUNSEL

DANIEL J. O'HANLON (SBN 122380)
HANSPETER WALTER (SBN 244847)
REBECCA R. AKROYD (SBN 267305)
ELIZABETH L. LEEPER (SBN 280451)
KRONICK, MOSKOVITZ, TIEDEMANN
& GIRARD
400 Capitol Mall, 27th Floor
Sacramento, CA 95814
Telephone: (916) 321-4500
Facsimile: (916) 321-4555

EILEEN M. DIEPENBROCK (SBN 119254)
DAVID A. DIEPENBROCK (SBN 215679)
JONATHAN R. MARZ (SBN 221188)
DIEPENBROCK ELKIN, LLP
500 Capitol Mall, Suite 2200
Sacramento, CA 95814
Telephone: (916) 492-5000
Facsimile: (916) 446-2640

Attorneys for Plaintiff
SAN LUIS & DELTA-MENDOTA WATER
AUTHORITY

BRADLEY H. OLIPHANT (SBN 216468)
UNITED STATES DEPARTMENT OF JUSTICE
Wildlife and Marine Resources Section
999 18th St., South Terrace, Ste. 370
Denver, CO 80211
Telephone: (303) 844-1381
Facsimile: (303) 844-1350

WILLIAM J. SHAPIRO (CO State Bar 030929)
UNITED STATES DEPARTMENT OF JUSTICE
501 I Street, Ste. 9-700
Sacramento, CA 95814
Telephone: (916) 930-2207
Facsimile: (916) 930-2010

Attorneys for FEDERAL DEFENDANTS

1 To facilitate settlement discussions regarding Plaintiff San Luis & Delta-Mendota Water
2 Authority's ("Authority") claim for attorneys' fees and other expenses in this case, the Authority
3 and Defendants Sally Jewell, Secretary of Interior, et al. ("Federal Defendants") have previously
4 stipulated to, and the Court has ordered, a stay on briefing and argument of the Authority's motion
5 for attorneys' fees and other expenses. Doc. 771. These parties have now reached a
6 recommended agreement in principle to settle the Authority's fees claim, subject to review within
7 the Department of Justice and the Department of Interior. To allow time for the review of the
8 proposed settlement, the Authority and Federal Defendants jointly request that this Court extend
9 the stay on Authority's motion for attorneys' fees and other expenses for an additional 90 days, to
10 December 15, 2015. The parties are requesting the same extension of a stay on the Authority's
11 pending motion for attorneys' fees in the Delta Smelt Cases, Case 1:09-cv-407-LJO-BAM, which
12 these parties have likewise settled in principle.

13 In support of this request, the Authority and Federal Defendants stipulate as follows:

14 1. On March 19, 2015, the Authority filed a motion for an award of attorneys' fees
15 and other expenses for this litigation. Doc. 764.

16 2. On March 19, 2015, the Court approved the parties' stipulation to stay further
17 briefing and argument on the Authority's motion for attorneys' fees and other expenses until
18 September 15, 2015, to allow for settlement discussions. Doc. 771. That order directed the parties
19 to apprise the Court of any settlement or further requested action, or jointly propose a briefing
20 schedule to address the Authority's motion for fees and other expenses if there was no settlement,
21 upon expiration of the stay.

22 3. The Authority and Federal Defendants have reached a recommended agreement in
23 principle to settle the Authority's claim for fees and expenses. Before any settlement can be
24 concluded however, the proposed settlement terms must be reviewed and approved within the
25 Department of Justice and the Department of Interior. If the recommended agreement is
26 eventually adopted, the Authority and Federal Defendants agree that further briefing and argument
27 on the Authority's claim for fees and other expenses, and a decision by the Court, will be
28 unnecessary. A stay will therefore conserve the parties' and the Court's resources.

