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**UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF CALIFORNIA**

THE CONSOLIDATED SALMONID CASES

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

STOCKTON EAST WATER DISTRICT, et  
 al. v. NATIONAL OCEANIC AND  
 ATMOSPHERIC ADMINISTRATION, et al.  
 (Case No. 1:09-cv-1090)

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

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

OAKDALE IRRIGATION DISTRICT, et al.  
 v. UNITED STATES DEPARTMENT OF  
 COMMERCE, et al. (Case No. 1:09-cv-1580)

THE METROPOLITAN WATER DISTRICT  
 OF SOUTHERN CALIFORNIA v.  
 NATIONAL MARINE FISHERIES  
 SERVICE, et al. (Case No. 1:09-cv-1625)

Case No.  
 1:09-cv-01053-LJO-DLB

CONSOLIDATED WITH  
 1:09-cv-01090-OWW-DLB  
 1:09-cv-01378-OWW-SMS  
 1:09-cv-01520-OWW-SMS  
 1:09-cv-01580-OWW-DLB  
 1:09-cv-01625-OWW-SMS

**PLAINTIFF STATE WATER  
 CONTACTORS' AND FEDERAL  
 DEFENDANTS' JOINT STIPULATION  
 AND ORDER EXTENDING STAY  
 REGARDING MOTION FOR  
 ATTORNEYS' FEES AND OTHER  
 EXPENSES**

Judge: Hon. Lawrence J. O'Neill  
 Date:  
 Time:  
 Courtroom:

BEST BEST & KRIEGER LLP

1           On March 19, 2015, to facilitate settlement discussions, this Court ordered a stay of the  
2 briefing related to the Plaintiff State Water Contractors’ (“SWC”) motion for an award of  
3 attorneys’ fees and other expenses (Doc. 772) (“SWC Attorneys’ Fees Motion”) against  
4 Defendants Sally Jewell, Secretary of Interior, et al. (“Federal Defendants”) for 180 days. Doc.  
5 771. The Court also ordered the parties to apprise the Court by the end of the 180-day period  
6 regarding any settlement or further requested action. *Id.* On September 14, 2015, before the end  
7 of that 180-day period, the SWC and Federal Defendants informed the Court that an additional 14  
8 days was necessary to complete pending settlement discussions. Doc. 776. The Court ordered a  
9 further stay of proceedings on the SWC Attorneys’ Fees Motion until September 29, 2015, and  
10 required that the SWC and Federal Defendants apprise the Court by the end of the extension  
11 period of any settlement or further requested action. *Id.*

12           The SWC and Federal Defendants hereby inform the Court that these parties have now  
13 reached a recommended agreement in principle to settle the claims in the SWC Attorneys’ Fees  
14 Motion, subject to review by the Department of Justice and the Department of Interior.

15           To allow these federal agencies adequate time to review the settlement in principle, the  
16 SWC and Federal Defendants jointly request that this Court grant a further extension of the stay  
17 of the SWC Attorneys’ Fees Motion until December 15, 2015. For simplicity and consistency,  
18 this extension coincides with the deadline requested by Plaintiff San Luis & Delta-Mendota  
19 Water Authority for reviewing its settlement in principle with the Federal Defendants. *See* Doc.  
20 777.

21           In support of this request, the SWC and Federal Defendants stipulate, as follows:

- 22           1.       On March 20, 2015, the SWC filed a motion for an award of attorneys’ fees and  
23 other expenses for this litigation. Doc. 772.
- 24           2.       On March 19, 2015, the Court approved the parties’ stipulation to stay further  
25 briefing and argument on the SWC Attorneys’ Fees Motion until September 15, 2015, to allow  
26 for settlement discussions. Doc. 771. That order directed the parties to apprise the Court of any  
27 settlement or further requested action, or jointly propose a briefing schedule to address the SWC’s  
28 motion for fees and other expenses if there was no settlement, upon expiration of the stay.

1           3.       On September 14, 2015, the Court approved the SWC’s and Federal Defendants’  
2 stipulation to further stay the briefing and argument on the SWC Attorneys’ Fees Motion until  
3 September 29, 2015, to allow completion of pending settlement discussions. Doc. 776.

4           4.       The SWC and Federal Defendants have reached a recommended agreement in  
5 principle to settle the SWC’s claims in the SWC Attorneys’ Fees Motion. Before any settlement  
6 can be concluded, the proposed settlement terms must be reviewed within and approved by the  
7 Department of Justice and the Department of Interior. If the recommended settlement agreement  
8 is eventually adopted, the SWC and Federal Defendants agree that further briefing and argument  
9 on the SWC Attorneys’ Fees Motion, and a decision by this Court, will be unnecessary. A stay  
10 will therefore conserve the parties’ and the Court’s resources.

11           5.       Based on the joint stipulation set forth above, the parties respectfully request that  
12 this Court extend the stay of briefing and argument on the SWC Attorneys’ Fees Motion until  
13 December 15, 2015. By that date, the parties will either report that settlement has been completed  
14 and the SWC is withdrawing its motion for fees and expenses, or request other action by the  
15 Court in the absence of a completed settlement.

16                   Respectfully submitted this 28th day of September 2015.

17  
18 Dated: September 28, 2015

BEST BEST & KRIEGER LLP  
By: /s/ Steven G. Martin  
Steven M. Anderson  
Steven G. Martin  
Attorneys for Plaintiff,  
STATE WATER CONTRACTORS

21 Dated: September 28, 2015

U.S. DEPARTMENT OF JUSTICE  
Environmental & Natural Resources Division  
By: /s/ William Shapiro  
William Shapiro, Trial Attorney  
Attorneys for FEDERAL DEFENDANTS

24 **IT IS SO ORDERED**  
25 **Dated: September 29, 2015**

/s/ Lawrence J. O’Neill  
**United States District Judge**

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