

1 IGNACIA S. MORENO
Assistant Attorney General
2 Environment & Natural Resources Division
United States Department of Justice
3

4 DAVID B. GLAZER (D.C. 400966)
Natural Resources Section
Environment & Natural Resources Division
5 United States Department of Justice
301 Howard Street, Suite 1050
6 San Francisco, California 94105
TEL: (415) 744-6491
7 FAX: (415) 744-6476
e-mail: david.glazer@usdoj.gov

8 Attorneys for Federal Defendant
9

10
11 UNITED STATES DISTRICT COURT
12 FOR THE EASTERN DISTRICT OF CALIFORNIA
13 FRESNO DIVISION
14

15
16 SAN LUIS UNIT FOOD PRODUCERS, *et al.*,

17 Plaintiffs,

18 v.

19 UNITED STATES OF AMERICA;
DEPARTMENT OF THE INTERIOR; BUREAU
20 OF RECLAMATION,

21 Defendants.
22

No. 1:09-cv-01871-OWW-DLB

ORDER OF JUDGMENT

Date: N/A

Time: N/A/

Courtroom No. 3

Hon. Oliver W. Wanger
23
24
25
26
27

28 *San Luis Unit Food Prods. v. U.S.*, No. 1:09-cv-01871-OWW-DLB
Federal Defendants' Proposed Order of Judgment

1 In accordance with this Court's Memorandum Decision of February 16, 2011 [Dkt. #54] on the
2 Federal Defendants' Motion for Judgment on the Pleadings [Dkt. #24] and Plaintiffs' Cross-Motion for
3 Judgment on the Pleadings and Motion for Summary Judgment [Dkt. #17], the Court GRANTS
4 Plaintiffs' Motion For Judgment on the Pleadings as to the Federal Defendants' Fifth Defense (laches)
5 and Sixth Defense (exhaustion of administrative remedies), but denies Plaintiffs' Motion for Judgment
6 on the Pleadings in all other respects and DENIES Plaintiffs' Motion for Summary Judgment.

7 The Court GRANTS summary judgment to the Federal Defendants on all claims in Plaintiffs'
8 Complaint and accordingly ENTERS JUDGMENT as follows:

9 1. As to Claims 1 through 11 of Plaintiffs' Complaint, the Court finds that Plaintiffs lack
10 standing to bring those claims because they do not fall within the "zone of interests" of the statutory
11 provisions invoked and, in addition, the Court finds that Plaintiffs have failed to plead any violation of
12 any mandatory duty and, therefore, have failed to satisfy the final agency action requirement of section
13 704 the Administrative Procedure Act, 5 U.S.C. § 704.

14 2. As to Claims 12 through 15 of Plaintiffs' Complaint, the Court finds that Plaintiffs lack
15 standing to bring those claims because the injuries alleged are not fairly traceable to the statutory
16 provisions claimed to be violated and because Plaintiffs otherwise lack standing to assert claims based
17 upon "lost revenue" to the federal government.

18
19 IT IS SO ORDERED.

20 Dated: March 4, 2011 _____ /s/ OLIVER W. WANGER

21
22 _____
23 United States District Judge
24
25
26
27