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10 Attorneys for Defendants

11 UNITED STATES DISTRICT COURT FOR THE
12 EASTERN DISTRICT OF CALIFORNIA

13 COALITION FOR A SUSTAINABLE DELTA and)
14 KERN COUNTY WATER AGENCY,)

15 Plaintiffs,)

16 v.)

17 FEDERAL EMERGENCY MANAGEMENT)
18 AGENCY and WILLIAM CRAIG FUGATE,)
19 in his official capacity as Administrator of the)
20 Federal Emergency Management Agency,)

21 Defendants.)

No: 1:09-cv-02024-OWW-DLB

**JOINT STIPULATION AND
ORDER STAYING DISCOVERY
PENDING RULING ON MOTION
TO DISMISS**

22 Pursuant to L.R. 143, Plaintiffs and Defendants, by and through undersigned counsel,
23 stipulate to stay all discovery in this action pending the Court's ruling on Defendants' Motion to
24 Dismiss (Dkt. #102), as set forth below.

RECITALS

25 WHEREAS, on December 22, 2009, Plaintiff Coalition for a Sustainable Delta served its
26 First Request for Production of Documents and First Set of Interrogatories Propounded on
27 Defendant Federal Emergency Management Agency (the "Coalition's Discovery Requests");

28 WHEREAS, on January 5, 2010, Defendants filed their Motion to Dismiss (Dkt. #102),
which is set for hearing on March 15, 2010;

1 WHEREAS, on January 7, 2010, Defendants filed their Motion to Stay Discovery Pending
2 Ruling on Motion to Dismiss (Dkt. #105) (“Motion to Stay”), which is also set for hearing on
3 March 15, 2010;

4 WHEREAS, the parties have conferred and agree that a stay of discovery pending the
5 Court's ruling on Defendants' Motion to Dismiss is appropriate and will conserve resources by
6 avoiding the need for further briefing and a hearing upon Defendants' Motion to Stay.

7 **THEREFORE, THE PARTIES HEREBY STIPULATE AS FOLLOWS:**

8 1. All discovery in this action, including the due date for Defendants' response to the
9 Coalition's Discovery Requests, shall be stayed pending the Court's ruling on Defendants' Motion
10 to Dismiss.

11 2. Upon filing and Court approval of this Stipulation, Defendants shall withdraw their
12 Motion to Stay Discovery Pending Ruling On Motion to Dismiss.

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14 Respectfully submitted this 15th day of January, 2010.

15 IGNACIA S. MORENO
16 Assistant Attorney General

17 /s/ Kevin W. McArdle
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KERN COUNTY WATER AGENCY
AMELIA T. MINABERRIGARAI

/s/ Amelia T. Minaberrigari

Attorney for Plaintiff Kern County Water Agency

IT IS SO ORDERED.

Dated: January 15, 2010

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE