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12 UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF CALIFORNIA
14 FRESNO DIVISION

15
16 TEHAMA-COLUSA CANAL
AUTHORITY,

17 Plaintiff,

18 v.

19 UNITED STATES DEPARTMENT OF
20 THE INTERIOR; KENNETH LEE
SALAZAR, in his official capacity as
21 Secretary of the Interior; UNITED
STATES BUREAU OF RECLAMATION;
22 MICHAEL L. CONNOR, in his official
capacity as the Commissioner of
23 Reclamation, and DONALD R. GLASER,
in his official capacity as Regional Director
24 of the Bureau of Reclamation for the Mid-
Pacific Region,

25 Defendants,

26 SAN LUIS & DELTA-MENDOTA
27 WATER AUTHORITY and
WESTLANDS WATER DISTRICT,
28 Defendant-Intervenors.

Case No. 1:10-cv-00712-OWW-DLB

**STIPULATION OF THE PARTIES AND
ORDER REGARDING PAGE LIMITS FOR
MEMORANDA OF LAW RELATED TO
MOTIONS FOR SUMMARY JUDGMENT**

1 Plaintiff Tehama-Colusa Canal Authority, Defendants United States Department of the
2 Interior, Kenneth Lee Salazar, United States Bureau of Reclamation, Michael L. Connor, and
3 Donald R. Glaser, and Defendant-Intervenors San Luis Delta-Mendota Water Authority and
4 Westlands Water District (collectively “Parties”), by and through their attorneys of record, hereby
5 enter into this Stipulation.

6 THE PARTIES JOINTLY STIPULATE AS FOLLOWS:

7 1. The Court entered an “Order Regarding Page Limits for Cases Assigned to Judge
8 Mendez” on February 11, 2010 (Document 5-2), which states: “Unless prior permission has been
9 granted, memoranda of law in support of and in opposition to motions are limited to twenty-five
10 (25) pages, and reply memoranda are limited to ten (10) pages.”

11 2. The Parties agree that this case can appropriately be decided on cross-motions for
12 summary judgment, and on October 26, 2010, the Court entered an “Order Approving Stipulation
13 of the Parties Setting Briefing and Hearing Schedule.” That Order set forth a staggered briefing
14 schedule whereby (1) Plaintiff will file a motion for summary judgment and supporting
15 memorandum on or before December 1, 2010; (2) Defendants and Defendant-Intervenors will file
16 cross-motions for summary judgment and memoranda supporting their motions and responding to
17 Plaintiff’s motion on or before January 7, 2011; (3) Plaintiff will file a reply memoranda in
18 support of Plaintiff’s motion and in opposition to Defendants and Defendant-Intervenors’ motions
19 on or before January 28, 2010; and (4) Defendants and Defendant-Intervenors will file reply
20 memoranda in support of Defendants’ and Defendant-Intervenors’ motions on or before February
21 18, 2011.

22 3. This case involves issues of both federal and state law relating to the development
23 and operation of the Central Valley Project, and the administrative record is over 10,000 pages in
24 length. (*See* Declaration of S. Saxton, filed herewith.) Furthermore, due to the established
25 staggered briefing schedule, Defendants and Defendant-Intervenors will combine their
26 memoranda in support of motions for summary judgment with memoranda in opposition to
27 Plaintiff’s motion for summary judgment, and similarly, Plaintiff will combine its memoranda in
28 opposition to Defendant and Defendant-Intervenors’ motions for summary judgment with its

1 replies in support of Plaintiff's motion for summary judgment. (*Id.*) Accordingly, at Plaintiff's
2 request, the Parties conferred and have agreed that the page limitations set forth in the Court's
3 February 11, 2010 Order will likely not be sufficient to adequately present the issues to the Court
4 through cross-motions for summary judgment. (*Id.*) The Parties have agreed that 40 pages is a
5 more appropriate limit for memoranda in support of and in opposition to motions for summary
6 judgment in this case, and for reply memoranda.

7 4. The Parties respectfully request that the Court enter an order setting the page limit
8 for memoranda of law in support of and in opposition to motions for summary judgment, and
9 reply memoranda, at 40 pages. An Order is attached.

10
11 **IT IS SO STIPULATED.**

12
13 DATED: November 19, 2010

DOWNEY BRAND LLP

14 By: /s/ Steven P. Saxton
15 STEVEN P. SAXTON
Attorney for Plaintiff

16 DATED: November 19, 2010

U.S. DEPARTMENT OF JUSTICE

17
18 By: /s/ David W. Gehlert (as authorized on 11/19/10)
DAVID W. GEHLERT
Attorney for Defendants

19
20 DATED: November 19, 2010

KRONICK, MOSKOVITZ, TIEDEMANN &
GIRARD

21
22 By: /s/ Daniel J. O'Hanlon (as authorized on 11/19/10)
23 DANIEL J. O'HANLON
Attorney for Defendant-Intervenors

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ORDER APPROVING STIPULATION OF THE PARTIES
REGARDING PAGE LIMITS FOR MEMORANDA OF LAW
RELATED TO MOTIONS FOR SUMMARY JUDGMENT

The Court having reviewed the Stipulation filed by the Parties and good cause appearing therefore, IT IS HEREBY ORDERED that the Stipulation of the Parties filed on November 19, 2010, is approved. Unless prior permission has been granted, memoranda of law in support of and in opposition to motions for summary judgment are limited to forty (40) pages, and reply memoranda are also limited to forty (40) pages.

IT IS SO ORDERED.

Dated: November 22, 2010

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE