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4 UNITED STATES DISTRICT COURT
5 EASTERN DISTRICT OF CALIFORNIA

6 PACIFIC COAST FEDERATION OF
7 FISHERMEN'S ASSOCIATIONS and
8 SAN FRANCISCO CRAB BOAT
9 OWNERS ASSOCIATION, INC.,

10 Plaintiffs,

11 v.

12 UNITED STATES DEPARTMENT OF
13 THE INTERIOR, and UNITED STATES
14 BUREAU OF RECLAMATION,

15 Defendants,

16 WESTLANDS WATER DISTRICT, SAN
17 LUIS WATER DISTRICT, and
18 PANOCHÉ WATER DISTRICT,

19 Defendant-Intervenors.

) 1:12-CV-01303-LJO-MJS

) **SCHEDULING ORDER** (Fed. R. Civ. P 16)

) Admin. Record To Be Lodged: July 19,
2013

) Plaintiffs' MSJ Deadline: Aug. 23, 2013

) Defs' Cross-MSJ/Opp'n: Sept. 27, 2013

) Plaintiffs' Opp'ns/Reply: Oct. 25, 2013

) Defendants' Reply: Nov. 22, 2013

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21 This Court conducted a scheduling conference on May 30, 2013. All parties
22 appeared by telephone. Stephan Volker appeared on behalf of Plaintiff. Joseph H. Kim
23 appeared on behalf of Defendant. Martin Ruano appeared on behalf of Defendant-
24 Intervenors.

25 Pursuant to Fed. R. Civ. P. 16(b), this Court sets a schedule for this action.

26 **1. Current Status of Consent to Magistrate Judge Jurisdiction**

27 Pursuant to 28 U.S.C. § 636(c), not all the parties have consented to conduct all
28 further proceedings in this case before the Honorable Michael J. Seng, U.S. Magistrate
29 Judge.

2. Joinder of Additional Parties and Amendment of Pleadings

No additional parties or amendments to the pleadings are contemplated at this

1 time.

2 **3. Discovery, Evidence, Pretrial, and Trial Procedures**

3 The parties anticipate that this case can and will be resolved on the basis of the
4 evidence existing in the Administrative Record. and the parties' cross-motions for
5 summary judgement. Accordingly, the Court schedules the filing of the record and filing
6 of cross motions for summary judgement papers as below, while reserving discussion
7 and resolution of issues related to other potential discovery, evidence, pretrial, and trial
8 procedures and issues until after the Court rules on the cross-motions for summary
9 judgment.

10 **4. Administrative Record**

11 On or before July 19, 2013, Defendants shall lodge with the Court and serve on
12 the all parties a copy of the Administrative Record in an electronically accessible format.
13 Defendants shall also electronically file in the record of this case an index to the
14 Administrative Record and a notice that the Administrative Record has been so lodged.
15 Defendants shall retain an identical copy of the electronically accessible Administrative
16 Record for purposes of appeal.

17 **5. Dispositive Motions Schedule**

18 a. Briefing Limits.

19 Unless prior leave of the Court is obtained, no moving or opposition briefs or
20 legal memorandum shall exceed twenty-five (25) pages. Reply briefs by the moving
21 party shall not exceed ten (10) pages. These page limitations do not include exhibits.
22 Briefs that exceed these page limitations may not be considered by the Court.

23 b. Non-Dispositive Motions

24 Counsel do not anticipate the filing of any non-dispositive motions. In the event a
25 need for same appears to arise, the party wishing to file such a motion must contact
26 Judge Seng's courtroom deputy Laurie Yu and arrange a Telephonic Dispute
27 Conference. No non-dispositive motions may be filed without approval of Judge Seng.

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1 b. Dispositive Motions

2 The Parties have agreed to file cross-motions for summary judgment on or
3 before the following respective deadlines:

4 Plaintiffs' Summary Judgment Motion: August 23, 2013

5 Defendants' Cross-Motions and Oppositions: September 27, 2013

6 Plaintiffs' Oppositions and Replies: October 25, 2013

7 Defendants' Replies: November 22, 2013

8 No hearing date will be set at this time. Upon review of all of the pleadings, the
9 Court will notify the parties if the Court believes a hearing would help resolve the
10 disputes.

11 Inasmuch as the Court's factual review will be limited to the Administrative
12 Record, the parties are exempted from filing and responding to "Statements of
13 Undisputed Facts" otherwise required by L.R. 260(a) and (b).

14 Prior to filing a motion for summary judgment or motion for summary adjudication
15 the parties are ORDERED to meet, in person or by telephone, and confer to discuss the
16 issues to be raised in the motion. The purpose of the meeting shall be to: 1) determine
17 whether the respondent agrees that the motion has merit in whole or in part, 2) discuss
18 whether issues can be resolved without the necessity for briefing, 3) narrow the issues
19 for review by the court, and 4) explore the possibility of settlement before the parties
20 incur the expense of briefing a summary judgment motion.

21 In the notice of motion, the moving party shall certify that the parties have met
22 and conferred as ordered above or set forth a statement of good cause for the failure to
23 meet and confer.

24 **9. Prospects for Settlement**

25 The Parties indicate that prospects for settlement are remote. Accordingly, no
26 settlement conference will be scheduled. Should future developments lead the Parties
27 to believe a settlement conference would be helpful, the Parties are encouraged to
28 contact the Court.

1 **11. Related Matters Pending**

2 There are no pending related matters.

3 **12. Compliance with Federal Procedure**

4 All counsel are expected to familiarize themselves with the Federal Rules of Civil
5 Procedure and the Local Rules of Practice of the Eastern District of California, and to
6 keep abreast of any amendments thereto. The Court must insist upon compliance with
7 these Rules if it is to efficiently handle its increasing case load and sanctions will be
8 imposed for failure to follow the Rules as provided in both the Federal Rules of Civil
9 Procedure and the Local Rules of Practice for the Eastern District of California.

10 **13. Effect of this Order**

11 This order represents the best estimate of the court and counsel as to the
12 agenda most suitable to dispose of this case. If the parties determine at any time that
13 the schedule outlined in this order cannot be met, counsel are ordered to notify the
14 court immediately of that fact so that adjustments may be made, either by stipulation or
15 by subsequent status conference.

16 **The dates set in this Order are considered to be firm and will not be**
17 **modified absent a showing of good cause even if the request to modify is made**
18 **by stipulation. Stipulations extending the deadlines contained herein will not be**
19 **considered unless they are accompanied by affidavits or declarations, and where**
20 **appropriate attached exhibits, which establish good cause for granting the relief**
21 **requested.**

22 The failure to comply with this order may result in the imposition of sanctions.
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25 IT IS SO ORDERED.

26 Dated: May 31, 2013

27 1st Michael J. Seng
28 UNITED STATES MAGISTRATE JUDGE