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

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16 SAN LUIS & DELTA-MENDOTA WATER  
AUTHORITY and WESTLANDS WATER  
17 DISTRICT,

18 Plaintiffs,

19 v.

20 SALLY JEWELL, et al.,

21 Defendants,

22 THE HOOPA VALLEY TRIBE; THE  
YUROK TRIBE; PACIFIC COAST  
23 FEDERATION OF FISHERMEN'S  
ASSOCIATIONS; and INSTITUTE FOR  
24 FISHERIES RESOURCES,

25 Defendant-Intervenors.  
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Case No. 1:15-cv-01290-LJO-EPG

**UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO FILE JOINT  
STATUS REPORT; DECLARATION OF  
DANIEL J. O'HANLON; ORDER**

The Hon. Lawrence J. O'Neill

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**UNOPPOSED MOTION FOR EXTENSION**

Pursuant to the Eastern District of California’s Local Rule 144, plaintiffs San Luis & Delta-Mendota Water Authority and Westlands Water District (“Plaintiffs”) move for an extension of the deadline to submit the joint status report ordered by the Court’s February 24, 2017 Minute Order (Doc.119) by two weeks, from March 17, 2017 to March 31, 2017. There have been no previous extensions of this deadline. Plaintiffs request the extension to allow for discussion by counsel with Plaintiffs' respective governing boards prior to filing of the joint status report. This request is supported by the declaration of Daniel J. O’Hanlon attached hereto. The motion and requested extension are unopposed. Declaration of Daniel J. O’Hanlon, ¶¶ 6-7.

On February 21, 2017, the United States Court of Appeals for the Ninth Circuit issued its decision in the case of *San Luis & Delta-Mendota Water Authority v. Haugrud, et al.*, No. 14-17493, \_\_ F.3d \_\_, 2017 WL 677537 (Feb. 21, 2017). On February 24, 2017, the Court issued a Minute Order (Doc. 119) which provides:

In light of the Ninth Circuit’s recent decision in *San Luis & Delta-Mendota Water Authority v. Haugrud* . . . it appears to the Court that a substantial majority of the issues raised in the pending cross-motions for summary judgment may now be moot. After meeting and conferring, the parties are directed to submit a joint status report on or before March 17, 2017 proposing a plan for identifying to the Court the issues remaining to be decided in this case . . . .

Plaintiffs are currently evaluating the decision in *San Luis & Delta-Mendota Water Authority v. Haugrud, et al.* and will be seeking direction from their respective governing boards regarding a response to the decision. The next scheduled board meeting for the San Luis & Delta-Mendota Water Authority (“Water Authority”) is March 9, 2017, and the next scheduled board meeting for Westlands Water District (“Westlands”) is March 21, 2017. Among the issues to be considered is whether to seek rehearing, which would affect the timing of finality, and potentially the substance, of the Ninth Circuit’s ruling.

Extending the deadline for submission of the joint status report from March 17th to March 31st will allow Plaintiffs' counsel an opportunity to consult with the boards regarding future proceedings in both the Ninth Circuit and in this action, and time to thereafter meet and confer with the remaining parties prior to filing the joint status report.

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Dated: March 3, 2017

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD  
A Professional Corporation

By:           /s/ Daniel J. O'Hanlon            
Daniel J. O'Hanlon  
Attorneys for Plaintiffs  
SAN LUIS & DELTA-MENDOTA WATER  
AUTHORITY and WESTLANDS WATER  
DISTRICT

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**DECLARATION OF DANIEL J. O'HANLON**

I, Daniel J. O'Hanlon, declare as follows:

1. I am an attorney duly admitted to practice before this Court. I am a shareholder with Kronick, Moskovitz, Tiedemann & Girard, attorneys of record for Plaintiffs San Luis & Delta-Mendota Water Authority and Westlands Water District.

2. I have personal knowledge of the facts set forth herein, and if called as a witness, I could and would competently testify thereto. I make this declaration in support of the Unopposed Motion to Extend Deadline for Filing Joint Status Report.

3. Under the Court's minute order issued on February 24, 2017 the parties' joint status report is currently due on or before March 17, 2017.

4. The next scheduled board meeting for the Water Authority is March 9, 2017, and the next scheduled board meeting for Westlands is March 21, 2017.

5. In light of these meeting dates, the current deadline of March 17, 2017 to submit a joint status report would not allow sufficient time to seek direction from Plaintiffs' respective boards regarding a response to the Ninth Circuit Court of Appeal's decision in *San Luis & Delta-Mendota Water Authority v. Haugrud, et al.*, No. 14-17493. Extending the deadline to March 31, 2017 will allow time for consultation with both boards and time to meet and confer thereafter with other counsel before filing a joint status report. There have been no previous extensions of this deadline.

6. On February 28, 2017, I sent an email to counsel of record for Federal Defendants, Anna K. Stimmel; for Defendant-Intervenors Pacific Coast Federation of Fishermen's Associations and Institute for Fisheries Resources, Jan Hasselman; for Defendant-Intervenor Hoopa Valley Tribe, Thomas P. Schlosser; and for Defendant-Intervenor Yurok Tribe, Daniel I.S.J. Rey-Bear, in which I proposed extending the deadline for filing the joint report by two weeks, to March 31, 2017.

7. In reply to my email, all counsel indicated they do not oppose extending the deadline for filing the joint status report from March 17 to March 31, 2017.

I declare under penalty of perjury under the laws of the United States of America that the

1 foregoing is true and correct.

2 Executed March 3, 2017, at Sacramento, California.

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*/s/ Daniel J. O'Hanlon*  
Daniel J. O'Hanlon

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**ORDER**

Plaintiffs San Luis & Delta-Mendota Water Authority and Westlands Water District have moved for an order extending the existing deadline for filing a joint status report from March 17, 2017 to March 31, 2017. The motion is unopposed. After full consideration of the matter, IT IS HEREBY ORDERED that the parties shall submit a joint status report on or before March 31, 2017, proposing a plan for identifying to the Court the issues remaining to be decided in this case.

IT IS SO ORDERED.

Dated: March 3, 2017

/s/ Lawrence J. O'Neill  
UNITED STATES CHIEF DISTRICT JUDGE