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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10 FRESNO DIVISION

11 NORTH COAST RIVERS ALLIANCE,
12 CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE, PACIFIC COAST
13 FEDERATION OF FISHERMEN'S
ASSOCIATIONS, SAN FRANCISCO CRAB
14 BOAT OWNERS ASSOCIATION, INC., and
INSTITUTE FOR FISHERIES RESOURCES,

15 Plaintiffs,

16 v.

17 UNITED STATES DEPARTMENT OF THE
18 INTERIOR, and UNITED STATES BUREAU
OF RECLAMATION,

19 Defendants,

20 and

21 WESTLANDS WATER DISTRICT, SAN
22 LUIS WATER DISTRICT, and PANOCHE
WATER DISTRICT,

23 Intervenor-Defendants.
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CASE NO. 1:16-cv-00307-LJO-MJS

**STIPULATION AND ORDER
EXTENDING TIME TO RESPOND TO
THE COMPLAINT**

CHIEF JUDGE LAWRENCE J. O'NEILL
MAGISTRATE JUDGE M. SENG

25 COME NOW, Plaintiffs North Coast Rivers Alliance, California Sportfishing Protection
26 Alliance, Pacific Coast Federation of Fishermen's Associations, San Francisco Crab Boat Owners
27 Association, Inc., and Institute for Fisheries Resources (Plaintiffs); United States Department of the
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1 Interior and the United States Bureau of Reclamation (Federal Defendants); and Intervenors
2 Westlands Water District, San Luis Water District, and Panoche Water District (Intervenor-
3 Defendants), through undersigned counsel, do jointly stipulate that the previous deadline set by the
4 Court for answering or otherwise responding to the Complaint be continued from July 8, 2016, to
5 August 8, 2016. This the second requested extension of this deadline. To support the requested
6 extension, the Parties state as follows:

7 1. This case is related to Pacific Coast Federation of Fishermen’s Associations, et al. v.
8 United States Department of the Interior, et al., Case No. 12-CV-01303-LJO-MJS (PCFFA). (Doc.
9 10). The two Plaintiffs in PCFFA are Plaintiffs in this action. On March 28, 2016, a panel of the
10 United States Court of Appeals for the Ninth Circuit issued a memorandum decision in PCFFA that
11 affirmed in part, reversed in part, and remanded the judgment previously this Court had entered for
12 Defendants. See 9th Cir. Case No. 14-15514, 2016 WL 1179953.

13 2. On May 3, Federal Defendants moved to extend the time to respond to the Complaint
14 to July 8 because at that time it was unknown whether Plaintiffs would petition the Ninth Circuit for
15 rehearing or rehearing en banc in PCFFA. (Doc. 15). This Court granted the Motion. (Doc. 16).

16 3. On May 4, Plaintiffs filed a petition for rehearing of the PCFFA decision en banc.
17 (9th Cir. No. 14-15514, Dkt. 56-1). Although the panel had partially reversed this Court’s judgment
18 for Defendants on one of Plaintiffs’ theories, Plaintiffs’ petition contends that the panel’s rulings
19 affirming the judgment on two of their other theories are in conflict with Ninth Circuit law. These
20 issues involved the no-action alternative and geographic scope of the environmental analysis
21 prepared by Federal Defendants that is similar to the analysis at issue in this case.

22 4. On June 9, the Ninth Circuit ordered Defendants in PCFFA to file responses
23 “addressing only Part III-A (pp. 7-13) of the petition (the no-action alternative issue).” (Dkt. 59).
24 The Court ordered the responses to be filed by June 30.

25 5. The Ninth Circuit’s disposition of PCFFA could affect the litigation and/or any
26 negotiated resolution of the litigation in this action. Federal Defendants have moved to stay
27 proceedings in this case pending resolution of the Ninth Circuit proceedings in PCFFA. (Doc. 23).
28 Plaintiffs oppose the motion, which is calendared for hearing on August 12.

1 6. The Parties agree an extension of the time to answer or otherwise respond to the
2 complaint by 30 days, effectively to Monday, August 8, 2016, is appropriate in the absence of a stay.

3 7. Federal Defendants and Intervenor-Defendants shall therefore have to August 8,
4 2016, to file answers or otherwise respond to Plaintiffs' Complaint.

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7 DATED: July 1, 2016

Respectfully submitted,

JOHN C. CRUDEN, Assistant Attorney General
United States Department of Justice
Environment & Natural Resources Division

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9
10 /s/ Judith E. Coleman
11 JUDITH E. COLEMAN
12 JOSEPH H. KIM
13 UNITED STATES DEPARTMENT OF JUSTICE

14 Attorneys for Federal Defendants
15 UNITED STATES DEPARTMENT OF THE
16 INTERIOR and UNITED STATES BUREAU OF
17 RECLAMATION

18 /s/ Cynthia J. Larsen (with authorization)
19 CYNTHIA J. LARSEN
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23 WESTLANDS WATER DISTRICT, SAN LUIS
24 WATER DISTRICT and PANOCHÉ WATER
25 DISTRICT

26 /s/ Stephan C. Volker (with authorization)
27 STEPHAN C. VOLKER
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3 ALLIANCE, PACIFIC COAST FEDERATION OF
4 FISHERMEN'S ASSOCIATIONS, SAN
5 FRANCISCO CRAB BOAT OWNERS
6 ASSOCIATION, INC., and INSTITUTE FOR
7 FISHERIES RESOURCES

8 **ORDER**

9 Good cause appearing, the proposed Stipulation to extend time to respond to the
10 complaint in Case No. 1:16-cv-00307-LJO-MJS is hereby approved and adopted as the
11 Order of the Court.

12 IT IS SO ORDERED.

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14 Dated: July 1, 2016

15 /s/ Michael J. Seng
16 UNITED STATES MAGISTRATE JUDGE
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