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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

SOUTH YUBA RIVER CITIZENS  
LEAGUE and FRIENDS OF THE  
RIVER,

NO. CIV. S-06-2845 LKK/JFM

Plaintiffs,

v.

O R D E R

NATIONAL MARINE FISHERIES  
SERVICE, et al.,

Defendants.

\_\_\_\_\_ /

Cross motions for summary judgment in the above-captioned matter are presently under submission. Federal defendants seek summary judgment on, inter alia, plaintiffs' claim that NMFS has unreasonably delayed publication of a rule for Green Sturgeon under section 4(d) of the Endangered Species Act (plaintiffs' Ninth Claim). On June 2, 2010, federal defendants filed a notice of supplemental authority indicating that such a rule was published on June 2, 2010. Federal defendants argue that this renders

1 plaintiffs' Ninth Claim moot.

2 Federal defendants appear correct in this regard.  
3 Nonetheless, plaintiffs MAY, within fourteen (14) days of the date  
4 of this order, file a brief arguing that their Ninth Claim is not  
5 moot. Such brief, if any, SHALL not exceed fifteen (15) pages.  
6 If such a brief is filed, the court will provide defendants with  
7 an opportunity to reply. If plaintiffs agree that their Ninth  
8 Claim is moot, plaintiffs are encouraged to submit a filing to that  
9 effect as soon as is convenient.

10 The cross motions otherwise remain under submission. An order  
11 will issue once the mootness question is resolved.

12 IT IS SO ORDERED.

13 DATED: June 7, 2010.

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LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT