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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SOUTH YUBA RIVER CITIZENS LEAGUE,
and FRIENDS OF THE RIVER,

Plaintiffs,

v.

NATIONAL MARINE FISHERIES SERVICE,
GARY F. LOCKE, , as Secretary of Commerce,
RODNEY MCINNIS, as Regional Administrator of
the National Marine Fisheries Service Southwest
Region, UNITED STATES ARMY CORPS OF
ENGINEERS, JOHN MCHUGH¹, as Secretary of
the Army, COLONEL WILLIAM J. LEAHY, as
District Engineer, Sacramento District,

Defendants.

Civil Case No.: 2:06-CV-02845-LKK-JFM

**STIPULATION AND ORDER OF
REFERRAL FOR SETTLEMENT
CONFERENCE**

¹ John McHugh and William J. Leahy are substituted for their predecessors, Pete Geren and Thomas C. Chapman respectively, pursuant to Fed. R. Civ. P. 25(d).

1 Pursuant to Local Rule 143, the following stipulation is entered into between Plaintiffs South
2 Yuba River Citizens League and Friends of the River, and Federal Defendants National Marine
3 Fisheries Service and United States Army Corps of Engineers, et al.:

4 WHEREAS, on July 8, 2010, this Court entered an Order granting in part and denying in part
5 Plaintiffs' motion for summary judgment as to liability, and granting in part and denying in part Federal
6 Defendants' motion for summary judgment as to liability. (Doc. No. 316);

7 WHEREAS, issues regarding liability and remedy remain to be resolved;

8 WHEREAS, the parties have agreed that the interests of judicial efficiency and economy warrant
9 their participation in a court supervised settlement conference, pursuant to Local Rule 270(a);

10 WHEREAS, the parties have agreed that, pursuant to Local Rule 270(b) neither the assigned
11 District Court Judge, nor the assigned Magistrate Judge, will conduct the settlement conference;

12 WHEREAS, the parties request that the settlement conference be referred to another Judge in the
13 Eastern District of California;

14 WHEREAS, the parties have agreed that August 30, 2010 or August 31, 2010 are
15 their first choice of dates for the settlement conference;

16 WHEREAS, the parties have agreed that September 13, 14, 17, 20, 22 and 23, 2010 are potential
17 alternate dates for the settlement conference;

18 NOW, THEREFORE it is hereby stipulated between Plaintiffs and Federal Defendants, by and
19 through counsel, that:

- 20 1. Pursuant to LR 270(a), the case is hereby REFERRED to a non-assigned District Judge
21 or Magistrate Judge for a settlement conference. The clerk of the court is directed to
22 select a judge from the list used for post-pretrial settlement conferences.
 - 23 2. Neither the assigned District Court Judge nor the assigned Magistrate Judge will act as
24 settlement judge.
 - 25 3. The final schedule for the settlement conference will be determined after consultation
26 with the settlement Judge chosen to preside at the conference.
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Respectfully submitted,

Dated: August 5, 2010

/s/ Brian Orion
BRIAN ORION
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Attorneys for Plaintiffs South Yuba River
Citizens League and Friends of the River


Dated: August 5, 2010

/s/ Lawson E. Fite
LAWSON E. FITE, Trial Attorney (Ore.
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Attorney for Federal Defendants

ORDER

The Court having read and considered the foregoing stipulation, and good cause appearing,
IT IS SO ORDERED.

Dated this 6th day of August, 2010.


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT