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14 Attorneys for Plaintiff
 15 FRIENDS OF THE RIVER

16 UNITED STATES DISTRICT COURT
 17 EASTERN DISTRICT OF CALIFORNIA

18 Friends of the River,
 19
 20 Plaintiff,
 21
 22 v.
 23 National Marine Fisheries Service, *et al.*,
 24
 25 Defendants.

Case No. 2:16-cv-00818-JAM-EFB

26 STIPULATION AND ~~PROPOSED~~ *JAM*
 27 ORDER TO MODIFY SUMMARY
 28 JUDGMENT BRIEFING SCHEDULE

FILED

MAR 20 2017

CLERK, U.S. DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA
 BY *JAM*
 DEPUTY CLERK

19 This Stipulation is entered into by and between Plaintiff Friends of the River, and Defendants
 20 National Marine Fisheries Service ("NMFS"), Wilbur Ross as Secretary of Commerce, United States
 21 Army Corps of Engineers ("Corps"), Lt. General Todd T. Semonite, Commanding General of the Corps,
 22 and Ryan Zinke as Secretary of the Interior (collectively the "Federal Defendants"), and Intervenor-
 23 Defendant Yuba County Water Agency ("YCWA").¹

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 28 ¹ Wilbur Ross and Ryan Zinke are automatically substituted as Defendants pursuant to Federal Rule of Civil Procedure 25(d).

1 WHEREAS, Plaintiff filed a Complaint for Declaratory and Injunctive Relief (Document No. 1)
2 on April 20, 2016 alleging that Federal Defendants have violated the Endangered Species Act (ESA)
3 and/or the Administrative Procedure Act;

4 WHEREAS, on September 19, 2016 the Court issued a Status (Pre-trial Scheduling) Order
5 (Document No. 11) that provided a briefing schedule for Plaintiff's and Federal Defendants' cross
6 motions for summary judgment;

7 WHEREAS, the Court issued an Order granting YCWA's Motion to Intervene on October 13,
8 2016 (Document No. 18);

9 WHEREAS, the Order (Document No. 18) requires YCWA to file its cross motion for summary
10 judgment and opposition to Plaintiff's motion for summary judgment no later than seven days after
11 Federal Defendants file their cross motion and opposition, and ordered YCWA to file its reply no later
12 than seven days after Federal Defendants file their reply;

13 WHEREAS, the Pre-trial Scheduling Order provided for a motion to supplement the
14 Administrative Record;

15 WHEREAS the parties agree that a motion to supplement the Administrative Record is not
16 necessary because they will address whether to supplement the Record during briefing on motions for
17 summary judgment to the extent the scope of the Administrative Record is still a live issue;

18 WHEREAS, the parties agree to the modified summary judgment briefing schedule below;

19 **NOW THEREFORE IT IS HEREBY STIPULATED BETWEEN THE PARTIES AND**
20 **ADJUDGED, ORDERED AND DECREED BY THE COURT AS FOLLOWS:**

21 1. Plaintiff shall file its motion for summary judgment by May 12, 2017.

22 2. Federal Defendants shall file their combined cross motion for summary
23 judgment/opposition to Plaintiff's motion for summary judgment by June 23, 2017.

24 3. YCWA shall file its combined cross motion for summary judgment/opposition to

25 Plaintiff's motion for summary judgment by June 30, 2017. *YCWA shall not ~~repeat~~*
26 *repeat any arguments raised by Federal Defendants*

27 4. Plaintiff shall file its combined reply in support of its motion for summary
28 judgment/opposition to Federal Defendants' motion for summary judgment by July 21,
2017.

- 1 5. Plaintiff shall file its combined reply in support of its motion for summary
- 2 judgment/opposition to YCWA's motion for summary judgment by July 28, 2014.
- 3 6. Federal Defendants shall file their reply in support of their cross motion for summary
- 4 judgment by August 18, 2017.
- 5 7. YCWA shall file its reply in support of its cross motion for summary judgment by
- 6 August 31, 2017.

7 Dated: March 20, 2017

Respectfully submitted,

8
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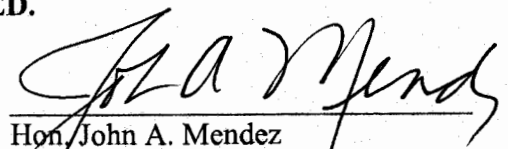
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25 *JAM*
PROPOSED ORDER

26 Pursuant to stipulation, **IT IS SO ORDERED.**

27 Dated: 3.21-2017

28 
Hon. John A. Mendez
United States District Judge