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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FRIENDS OF THE RIVER,

 Plaintiff,

 v.

NATIONAL MARINE FISHERIES
SERVICE, et al.,

 Defendants,

 &

YUBA COUNTY WATER AGENCY,

 Defendant
 Intervenor.

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

**ORDER GRANTING PLAINTIFF'S
MOTION TO STRIKE IN PART**

This matter is before the Court on Friends of the River's ("Plaintiff") Motion to Strike Yuba County Water Agency's ("YCWA") Memorandum in Support of Federal Defendants' Summary Judgment Motion. Plaintiff argues the brief should be stricken because it duplicates arguments Federal Defendants made in their Cross-Motion for Summary Judgment, thereby violating this Court's

1 order that "YCWA shall not repeat any arguments raised by Federal
2 Defendants" in its own cross-motion/opposition to the motion for
3 summary judgment. ECF No. 32. Plaintiff also contends that
4 YCWA's Joinder in Federal Defendants' motion is improper under
5 the Court's order.

6 Because YCWA filed a Joinder to Federal Defendants' motion,
7 ECF No. 42, the Court finds YCWA's statements of disputed and
8 undisputed facts are unnecessary and improper. Those documents,
9 ECF No. 41-1 and 41-2, shall be stricken from the docket.

10 The Court further finds that YCWA's brief largely builds
11 upon arguments raised by Federal Defendants in their own Cross-
12 Motion for Summary Judgment. See YCWA's Memorandum at 15-26; see
13 also Plaintiff's Motion to Strike, ECF No. 44-1, at 3-4; Exh. B
14 to YCWA's Opposition, ECF No. 46-2. This filing circumvents the
15 purpose of the Court's order and the balance the Court struck in
16 permitting YCWA to intervene and file motions on its own behalf.
17 The Court declines to strike the brief, but remedial action is
18 warranted. The Court amends the briefing schedule as follows:

19 1. The page limit for Plaintiff's combined reply and
20 opposition brief to Federal Defendants' motion is increased from
21 20 pages to 25 pages and is not due until July 28, 2017.

22 2. The page limit for Plaintiff's combined reply and
23 opposition brief to YCWA's brief is increased from 20 to 25 pages
24 and is not due until August 11, 2017.

25 3. Federal Defendants and YCWA shall not be allowed to
26 file two separate reply briefs in support of Federal Defendants'
27 cross-motion for summary judgment. Federal Defendants and YCWA
28 may instead file a joint reply brief, not to exceed 20 pages, by

1 August 25, 2017.

2 The Court will set a hearing date on these motions after all
3 briefs have been submitted.

4 IT IS SO ORDERED.

5 Dated: July 18, 2017

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7 JOHN A. MENDEZ,
8 UNITED STATES DISTRICT JUDGE
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