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13 United States

14 UNITED STATES DISTRICT COURT
15 FOR THE NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

16 YUOK TRIBE, PACIFIC COAST
17 FEDERATION OF FISHERMEN'S
18 ASSOCIATIONS, and INSTITUTE FOR
19 FISHERIES RESOURCES,

19 Plaintiffs,

20 v.

21 U.S. BUREAU OF RECLAMATION and
22 NATIONAL MARINE FISHERIES SERVICE,

22 Defendants,

23 and

24 KLAMATH WATER USERS ASSOCIATION,
25 THE KLAMATH TRIBES, and KLAMATH
26 IRRIGATION DISTRICT,

26 Intervenor-Defendants

27 UNITED STATES OF AMERICA,
28 Cross-Claimant,

Case No. 3:19-cv-04405-WHO

(Related Case No. 3:16-cv-04294-WHO)
(Related Case No. 3:16-cv-06863-WHO)

**STIPULATION AND ~~PROPOSED~~
ORDER TO ENLARGE TIME ON
CROSS-MOTIONS FOR SUMMARY
JUDGMENT AND ASSOCIATED
BRIEFING**

DATE: November 30, 2022

TIME: 2:00 p.m.

Courtroom 2, 17th Floor or Virtually

Judge: Honorable William H. Orrick

1 YUOK TRIBE, PACIFIC COAST
2 FEDERATION OF FISHERMEN’S
3 ASSOCIATIONS, and INSTITUTE FOR
4 FISHERIES RESOURCES,

5 Joined as Cross-Claimants,

6 v.

7 KLAMATH WATER USERS ASSOCIATION
8 and OREGON WATER RESOURCES
9 DEPARTMENT,

10 Crossclaim-Defendants,

11 and

12 KLAMATH IRRIGATION DISTRICT,

13 Intervenor-Defendant.

14 KLAMATH WATER USERS ASSOCIATION,

15 Counterclaimant,

16 v.

17 UNITED STATES OF AMERICA,

18 Counterclaim-Defendant.

19 OREGON WATER RESOURCES
20 DEPARTMENT,

21 Counterclaimant,

22 v.

23 UNITED STATES OF AMERICA,

24 Counterclaim-Defendant.

25 Per Local Rule 6-2, Crossclaim Defendant Oregon Water Resources Department
26 (OWRD); Plaintiffs Yurok Tribe, Pacific Coast Federation of Fishermen’s Associations, and
27 Institute for Fisheries Resources (collectively, “Plaintiffs”); Defendant and Cross-claimant
28 United States of America (“United States”); Defendant-Intervenor, Crossclaim Defendant, and
Counterclaimant Klamath Water Users’ Association (“KWUA”); Intervenor Klamath Tribes; and
Intervenor Klamath Irrigation District (“KID”) (all, collectively, “the Parties”) submit this
stipulation and proposed order to enlarge time on the briefing schedule for the parties’ cross-

1 motions for summary judgment and associated briefs by two weeks.

2 The reason for the requested extension is that Plaintiffs' lead counsel will be out on
3 bereavement leave September 8-12, and counsel for Plaintiffs and the United States also need
4 additional time to prepare responses/replies to the summary judgment responses and cross-
5 motions filed July 29 by OWRD, KWUA, and KID, which total over 200 pages, as well as to
6 respond to KID's Motion to Strike (Doc. 1039), Motion for Stay (Doc. 1040), Rule 56(d)
7 Request to Extend Hearing on the Pending Summary Judgment Motions and Permit Discovery
8 (Doc. 1041-3), and Request for Judicial Notice (collectively "KID's Motions").

9 In addition, the Parties stipulate that they do not oppose an anticipated motion for leave
10 to submit an amicus brief by the State of California, with a September 15 deadline for the filing
11 the motion and proposed amicus brief and a November 9 deadline for any party to respond to the
12 amicus brief, if the amicus brief is accepted for filing.

13 The Parties previously stipulated that briefing on KID's Motions be placed on the same
14 schedule as briefing on the summary judgment motions and cross-motions filed in connection
15 with the First Cause of Action of the United States' crossclaim and KWUA's and OWRD's
16 counterclaims, with responses to KID's Motions due September 12, 2022 and KID's replies due
17 October 27, 2022. ECF Nos. 1048, 1049. The Parties also previously stipulated to a two-week
18 extension and subsequently to an additional four-day extension of the deadline for oppositions to
19 the United States' and Plaintiffs' motions for summary judgment and cross-motions for
20 summary judgment. ECF Nos. 1034, 1035, 1036, 1037. The Parties also previously stipulated
21 to an extension of OWRD's responsive-pleading deadline. ECF No. 990. The Parties have not
22 requested or received any other extensions of time since OWRD appeared in this action.

23 Accordingly, the Parties stipulate as follows:

24 1. All replies from the United States and Plaintiffs to oppositions to their motions to
25 for summary judgment and all responses to the motions filed by OWRD, KWUA, and KID on
26 July 29, 2022 shall be filed by September 26, 2022.

27 2. The deadline for all reply briefs in support of the cross-motions for summary
28 judgment and KID's Motions will be November 9, 2022.

1 3. The deadline for the State of California to file its unopposed motion for leave to
2 submit an amicus brief and its proposed amicus brief will be September 15, 2022 and the deadline
3 for the Parties to respond to the amicus brief, if it is accepted for filing, will be November 9,
4 2022.

5 4. Counsel for the parties remain available for the November 30, 2022 hearing date.
6 If the Court prefers to reschedule the hearing date to a later date, counsel have conferred
7 regarding their availability in December. If the hearing is held virtually or telephonically, the
8 parties are available the afternoon of December 7, as well as on December 5, 6, and 8. If those
9 hearing dates do not work, the Parties' next best availability is the afternoon of January 18.

10 **IT IS SO STIPULATED.**

11 DATED September 8, 2022.

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26 ***Cross-Claimant United States of America***

27
28
I, Thomas K. Snodgrass, attest that each of the other signatories concurred in the filing of
this document on today's date.

s/ Thomas K. Snodgrass
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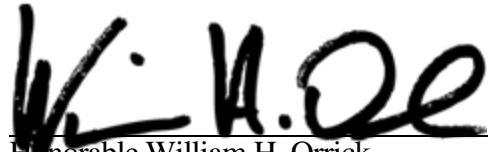
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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. The hearing will now be set at 2 p.m.
on December 7, 2022, by videoconference.

DATED: September 8, 2022_



Honorable William H. Orrick
United States District Court Judge