

1 EDMUND G. BROWN JR., State Bar No. 37100
 Attorney General of California
 2 SARA J. RUSSELL, State Bar No. 84704
 Supervising Deputy Attorney General
 3 RANDY L. BARROW, State Bar No. 111290
 DEBORAH A. WORDHAM
 4 MICHAEL L. CROW
 Deputy Attorneys General
 5 1300 I Street, Suite 125
 P.O. Box 944255
 6 Sacramento, CA 94244-2550
 Telephone: (916) 322-1642
 7 Fax: (916) 327-2319
 E-mail: Randy.Barrow@doj.ca.gov
 8 Attorneys for Defendants California State Agencies
 and Individuals Sued in Official State Capacity

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

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 13 **CENTRAL DELTA WATER AGENCY and**
SOUTH DELTA WATER AGENCY,

14 Plaintiffs,

15 v.

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 17 **UNITED STATES FISH & WILDLIFE**
SERVICE, et al.,

18 Defendants.
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2:09-CV-01003-JAM-GGH

**STIPULATION AND ORDER
 EXTENDING TIME FOR STIPULATING
 DEFENDANTS TO RESPOND TO
 COMPLAINT**

Judge: Hon. John A. Mendez
 Trial Date: N/A
 Action Filed: April 13, 2009

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 21 This Stipulation and [Proposed] Order Extending Time for Stipulating Defendants to
 22 Respond to Complaint (Stipulation) is entered into by and between plaintiffs Central Water
 23 Agency and South Delta Water Agency and the following defendants (Stipulating Defendants):
 24 California Natural Resources Agency, Mike Chrisman, Karen Scarborough, California
 25 Department of Water Resources, Lester A. Snow, Delores Brown, Barbara McDonnell, Jerry
 26 Johns, California Bay Delta Authority, Joe Grindstaff, Keith Coolidge, State Water Resources
 27 Control Board, Tom Howard, California Department of Fish and Game, Don Koch, and John
 28 McCamman (California State Agencies and Individuals Sued in Official State Capacity); and,

1 Metropolitan Water District of Southern California, Roger Patterson, Randall Neudeck, Kern
2 County Water Agency, Brent Walthall, Tom Clark, Santa Clara Valley Water District, Greg
3 Zlotnick, Cindy Kao, Westlands Water District, Tom Birmingham, Jason Peltier, Zone 7 Water
4 Agency, Jill Duerig, Kurt Arends, San Luis & Delta-Mendota Water Authority, Dan Nelson, Ara
5 Azhderian, Contra Costa Water District, Greg Gartrell, Friant Water Authority, Ron Jacobsma,
6 Steve Ottemoeller, North Delta Water Agency, Melinda Terry, Mirant Delta, LLC, The Nature
7 Conservancy, Environmental Defense Fund, Defenders of Wildlife, California Farm Bureau
8 Federation, American Rivers, Natural Heritage Institute, and The Bay Institute of San Francisco.
9 The parties to this Stipulation hereby stipulate, by and through their respective counsel, as
10 follows:

11 WHEREAS, on or about April 13, 2009, plaintiffs Central Water Agency and South Delta
12 Water Agency filed a complaint for declaratory relief, injunctive relief, and mandamus against the
13 Stipulating Defendants and others, including federal agencies and individuals sued in their official
14 capacity as officers of federal agencies.

15 WHEREAS, the federal defendants and most or all of the Stipulating Defendants were
16 served on or about April 23, 2009.

17 WHEREAS, there is a dispute between plaintiffs and some of the Stipulating Defendants
18 regarding the sufficiency of service.

19 WHEREAS, under the Federal Rules of Civil Procedure, the federal defendants have 60
20 days after service to respond to plaintiffs' complaint, but the non-federal defendants have only 20
21 days after service to respond to plaintiffs' complaint.

22 WHEREAS, the Stipulating Defendants have requested that the time to file their responses
23 to plaintiffs' complaint be the same as the time for the federal defendants' responses, which is
24 June 22, 2009, and plaintiffs have agreed to that request.

25 THEREFORE, it is hereby stipulated that:

26 The time within which the Stipulating Defendants must file responsive pleadings to
27 plaintiffs' complaint is extended to June 22, 2009.

28 The Stipulating Defendants waive objections to the sufficiency of service.

1 Entry into this Stipulation does not waive any Stipulating Defendant's right to contest this
2 Court's jurisdiction over any defendant or waive any defenses of any kind to plaintiffs' complaint
3 and/or this action.

4 This Stipulation may be executed by facsimile or electronic signature and in counterparts,
5 all of which, taken together, shall constitute a single stipulation.

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7
8 May 11, 2009

ABBOTT & KINDERMANN

9
10 /s/Glen C. Hansen
11 (As authorized on May 11, 2009)
12 DIANE KINDERMANN HENDERSON
13 GLEN C. HANSEN
14 Attorneys for Plaintiffs Central Delta Water
15 Agency and South Delta Water Agency

16
17
18 May 11, 2009

EDMUND G. BROWN JR.
Attorney General of California

19
20 /s/ Randy L. Barrow
21 RANDY L. BARROW
22 (As authorized on May 11, 2009)
23 Deputy Attorney General
24 Attorneys for Defendants California Natural
25 Resources Agency, Mike Chrisman, Karen
26 Scarborough, California Department of Water
27 Resources, Lester Snow, Delores Brown, Barbara
28 McDonnell, Jerry Johns, California Bay Delta
 Authority, Joe Grindstaff, Keith Coolidge, State
 Water Resources Control Board, Tom Howard,
 California Department of Fish and Game, Don
 Koch, and John McCamman

1 May 11, 2009

METROPOLITAN WATER DISTRICT OF SOUTHERN
CALIFORNIA

2
3 /s/Linus Masouredis
4 (As authorized on May 6, 2009)
5 LINUS MASOUREDIS,
6 Chief Deputy General Counsel
7 Attorneys for Defendants Metropolitan Water
District of Southern California, Roger Patterson,
and Randall Neudeck

8 May 11, 2009

NOSSAMAN LLP

9
10 /s/Paul Weiland
11 (As Authorized May 7, 2009)
12 PAUL WEILAND
13 ROBERT HORTON
14 Attorneys for Defendants Kern County Water
Agency, Brent Walthall, and Tom Clark

15 May 11, 2009

SANTA CLARA WATER DISTRICT

16 /s/Debra Cauble
17 (As authorized May 8, 2009)
18 DEBRA CAUBLE
19 EMILY COTE
20 Office of The District Counsel
21 Attorneys for Defendants Santa Clara Valley
22 Water District, Greg Zlotnick, Cindy Kao
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1 May 11, 2009

DIEPENBROCK HARRISON,
A PROFESSIONAL CORPORATION

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/s/Eileen M. Diepenbrock
(As authorized May 6, 2009)
EILEEN M. DIEPENBROCK
Attorneys for Defendants San Luis & Delta-
Mendota Water Authority, Dan Nelson, and Ara
Azhderian, Westlands Water District, Tom
Birmingham, and Jason Peltier,

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9 May 11, 2009

COX, CASTLE & NICHOLSON, LLP

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/s/Andrew B. Sabey
(As authorized May 6, 2009)
ANDREW B. SABEY
Attorneys for Defendant Zone 7 Water Agency,
Jill Duerig, and Kurt Arends

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15 May 11, 2009

BOLD, POLISNER, MADDOW, NELSON & JUDSON
A PROFESSIONAL CORPORATION

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/s/Carl P.A. Nelson
(As authorized May 11, 2009)
CARL P.A. NELSON
Attorneys for Defendants Contra Costa Water
District and Greg Gartrell

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21 May 11, 2009

RUDELL, COCHRAN, STANTON, SMITH
BIXLER & WISEHART, LLP

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23

/s/D. Zackary Smith
(As authorized May 8, 2009)
D. ZACKARY SMITH
Attorneys for Defendants Friant Water Authority,
Ron Jacobson, and Stephen Ottemoeller

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1 May 11, 2009

DOWNEY BRAND

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/s/Kevin M. O'Brian
(As authorized May 8, 2009)

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KEVIN M. O'BRIAN
Attorneys for Defendants North Delta Water
Agency and Melinda Terry

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7 May 11, 2009

HOLLAND & KNIGHT LLP

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/s/Peter W. Landreth
(As authorized May 7, 2009)

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PETER W. LANDRETH
Attorneys for Defendant Mirant Delta, LLC

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12

13 May 11, 2009

SONNENSCHN NATH & ROSENTHAL LLP

14

15

/s/Sarah Ratcliffe Choi
(As authorized May 7, 2009)

16

SARAH RATCLIFFE CHOI
Attorneys for Defendants The Nature
Conservancy, Environmental Defense Fund,
Defenders of Wildlife, American Rivers, Natural
Heritage Institute, and The Bay Institute of San
Francisco

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21 May 11, 2009

CALIFORNIA FARM BUREAU FEDERATION

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/s/Christian C. Scheuring
(As authorized May 6, 2009)

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CHRISTIAN C. SCHEURING
KARI E. FISHER
Attorneys for Defendant California Farm Bureau
Federation

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ORDER

Based upon the foregoing Stipulation and good cause appearing therefor,
IT IS SO ORDERED.

Dated: May 12, 2009

/s/ John A. Mendez
Hon. John A. Mendez

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