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

15
16 THE UNITED STATES OF AMERICA,) Civil No. S-80-583-LKK [In Equity No. 30]
17 Plaintiff,)
18 v.)
19 H.C. ANGLE, et al.,)
20 Defendants.)
21)
DATE: February 9, 2009
TIME: 10:00 a.m.
COURT: Courtroom 4, 15th Floor

23 The plaintiff United States of America and defendant Michael J. Barkley (Barkley)
24 hereby stipulate to revise the briefing schedule by one week at the request of plaintiff's counsel
25 to accommodate an urgent medical condition. The one-week continuance in the filing of the
26 remaining briefs will not affect the scheduled hearing date of February 9, 2009, and will provide
27 the court with a period of three weeks between the filing of the defendant's final reply brief and
28 that hearing date.

1 This stipulation is submitted pursuant to Local Rule 78-230(e). As the grounds for the
2 joint stipulation, the parties respectfully submit the following points and request that the court
3 approve the joint stipulation and enter the attached order.

4 1. On September 5, 2008, the plaintiff filed a Motion to Amend the Angle Decree
5 Doc. 277, along with the declaration and supporting exhibits. Doc. 278. The purpose of the
6 motion is to amend the 1930 Angle Decree with regard to changes in the place of use of certain
7 decreed water rights in the federal Orland Project administered by the U.S. Bureau of
8 Reclamation, an agency in the Department of the Interior. The plaintiff set the motion for
9 hearing on October 20, 2008.

10 2. On September 26, 2008, the defendant, Mr. Barkley, filed an opposition to the
11 plaintiff's motion, along with a counter-motion. Doc. 280. The counter-motion raised a number
12 of new issues that extend beyond the scope of the plaintiff's motion, including a request that the
13 court set aside the Angle Decree in its entirety. The defendant noted the counter-motion for
14 hearing on October 20, 2008, at the same time as the plaintiff's motion.

15 3. On October 8, 2008, the court entered an Order authorizing the defendant to file
16 an amended counter-motion, revising the briefing schedule accordingly, and setting the hearing
17 on both motions for December 8, 2008. Doc. 283.

18 4. On November 17, 2008, the court entered an Order rescheduling the date
19 for hearing argument on both motions to February 9, 2008, in light of congestion of the court's
20 docket. Doc. 285.

21 5. On November 18, 2008, the parties stipulated to revise the briefing schedule in
22 light of the postponement of the hearing date. Doc. 286.

23 6. On November 19, 2008, the court approved that stipulation and issued an order,
24 Doc. 287, revising the briefing schedule as follows:

- 25 • December 15, 2008 - Plaintiffs' reply/response to defendant's counter-motion
26 • January 12, 2009 - Defendant's reply brief in support of his counter-motion

27 7. On December 12, 2008, plaintiff's counsel contacted defendant's counsel
28 and requested a one-week extension in the briefing deadlines for both sides, due to a sudden

1 medical condition that arose. Defendant's counsel stated that he did not object to the one-week
2 extension. Accordingly, the parties hereby stipulate to a one-week continuance in the dates for
3 filing the final briefs, as follows:

- December 22, 2008 - Plaintiffs' reply/response to defendant's counter-motion
 - January 19, 2009 - Defendant's reply brief in support of his counter-motion

A proposed order is attached for the court's consideration.

7 || Respectfully Submitted,

8 || FOR THE DEFENDANT:

FOR THE PLAINTIFF:

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Eastern District of California

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|| */s/ Michael J. Barkley*

7 MICHAEL J. BARKLEY, ESQ.
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161 N. Sheridan Ave. # 1
8 Manteca, CA 95336

9 Defendant, *in propria persona*

/s/ *Charles R. Shockey*

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22 || Dated: December 12, 2008.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that: he is an employee in the Sacramento Field Office of the United States Department of Justice, Environment and Natural Resources Division, 501 "I" Street, Suite 9-700, Sacramento, California, 95814-2322; he is a person of such age and discretion to be competent to serve papers; and, on December 12, 2008, he served copies of the attached:

- Joint Stipulation to Revise Briefing Schedule; and
 - Order Approving Joint Stipulation to Revise Briefing Schedule [Proposed]

on all counsel of record through the court's Electronic Case Filing system. The undersigned counsel also caused copies of these documents to be placed in a prepaid envelope addressed to the person hereinafter named, at the place and address stated below, which are the last known place and addresses, and by depositing said envelope and contents in the United States Mail at Sacramento, California:

VIA U.S. MAIL:

George Wilson
Office of the Water Master
Stony Creek and Tributaries
828 Eighth Street
Orland, CA 95693

/s/ *Charles R. Shockey*

Charles R. Shockey