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

15 _____)
16 THE UNITED STATES OF AMERICA,)
17 Plaintiff,)
18 v.)
19 H.C. ANGLE, et al.,)
20 Defendants.)
21 _____)

Civil No. S-80-583-LKK [In Equity No. 30]

JOINT STIPULATION TO
RESCHEDULE HEARING AND
REVISE BRIEFING SCHEDULE

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 in light of the court's Order dated November 17,
25 2008. That Order postponed the hearing on the pending motions from December 8, 2008, to
26 February 9, 2009, due to congestion of the court's docket. This stipulation is submitted pursuant
27 to Local Rule 78-230(e). As the grounds for the joint stipulation, the parties respectfully submit
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1 the following points and request that the court approve the joint stipulation and enter the attached
2 order.

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

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

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

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

20 5. In light of the court's postponement of the hearing date by two months, and in
21 order to provide both parties with sufficient time to prepare fully responsive briefs that address
22 all issues raised in the pending motions, the parties request that the court revise the briefing
23 schedule as follows:

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

26 This revised schedule will ensure that all briefing is completed four weeks in advance of the
27 February 9, 2008, hearing date.

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

2 Respectfully Submitted,

3 FOR THE DEFENDANT:

FOR THE PLAINTIFF:

4 McGREGOR W. SCOTT
5 United States Attorney
6 Eastern District of California

7 DAVID T. SHELEDY
8 Assistant U.S. Attorney

9 RONALD J. TENPAS
10 Assistant Attorney General
11 United States Department of Justice
12 Environment & Natural Resources Division

13 */s/ Michael J. Barkley*
14 MICHAEL J. BARKLEY, ESQ.
15 CA SBN # 122433
16 161 N. Sheridan Ave. # 1
17 Manteca, CA 95336

/s/ Charles R. Shockey
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18 Defendant, *in propria persona*

19 Dated: November 18, 2008.

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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 November 18, 2008, he served copies of the attached:

- Joint Stipulation to Reschedule Hearing and Revise Briefing Schedule; and
- Order Approving Joint Stipulation to Reschedule Hearing and 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

Michael J. Barkley
161 N. Sheridan Ave. # 1
Manteca, CA 95336

/s/ Charles R. Shockey

Charles R. Shockey