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14 Attorneys for Plaintiffs Coalition for a Sustainable Delta, Belridge Water  
15 Storage District, Berrenda Mesa Water District, Lost Hills Water District,  
16 Wheeler Ridge-Maricopa Water Storage District, and Dee Dillon

17 UNITED STATES DISTRICT COURT

18 EASTERN DISTRICT OF CALIFORNIA

19 COALITION FOR A SUSTAINABLE DELTA,  
20 BELRIDGE WATER STORAGE DISTRICT,  
21 BERRENDA MESA WATER DISTRICT, LOST  
22 HILLS WATER DISTRICT, WHEELER RIDGE-  
23 MARICOPA WATER STORAGE DISTRICT, and  
24 DEE DILLON,

25 Plaintiffs,

26 vs.

27 JOHN McCAMMAN, in his official capacity as  
28 Director of the California Department of Fish and  
Game,

Defendant,

CENTRAL DELTA WATER AGENCY, et al.

Defendant-Intervenors,

CALIFORNIA SPORTFISHING PROTECTION  
ALLIANCE, et al.,

Defendant-Intervenors.

) Case No: 1:08-CV-00397-OWW-GSA

) **PLAINTIFFS' NOTICE OF MOTION**  
) **AND MOTION FOR PARTIAL**  
) **SUMMARY JUDGMENT RE LIABILITY**  
) **(WINTER AND SPRING-RUN SALMON)**  
) **AND STANDING**

) Date: March 22, 2010

) Time: 10:00 a.m.

) Courtroom: 3

) Judge: Hon. Oliver W. Wanger

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 NOTICE IS HEREBY GIVEN that, on March 22, 2010 at 10:00 a.m., or as soon thereafter as the  
3 matter may be heard by the above-entitled Court, located at 2500 Tulare Street, Fresno, California, in the  
4 courtroom of the Honorable Oliver W. Wanger, Plaintiffs Coalition for a Sustainable Delta, Belridge  
5 Water Storage District, Berrenda Mesa Water District, Wheeler Ridge-Maricopa Water Storage District,  
6 and Dee Dillon (collectively "Plaintiffs") will and hereby do move this Court, pursuant to Federal Rule  
7 of Civil Procedure 56, for an order summarily adjudicating the following issues in favor of Plaintiffs and  
8 against Defendant John McCamman, in his official capacity as director of the California Department of  
9 Fish and Game, Defendants in Intervention Central Delta Water Agency, South Delta Water Agency,  
10 Honker Cut Marine, Inc., Rudy Mussi, Robert Souza, and Defendants in Intervention California  
11 Sportfishing Protection Alliance, California Striped Bass Association, Northern California Council of  
12 the Federation of Flyfishers:

13  
14 ISSUE NO. 1 – Liability Re Winter-Run and Spring-Run Chinook Salmon:

15 Defendant's enforcement of the striped bass sport-fishing regulations (Cal. Code Regs. tit. 14 §  
16 5.75) violates the Endangered Species Act because it results in take of Sacramento River winter-run  
17 chinook salmon and Central Valley spring-run chinook salmon.

18  
19 ISSUE NO. 2 – STANDING:

20 Plaintiffs Dee Dillon and the Coalition for a Sustainable Delta have standing under Article III of  
21 the United States Constitution to pursue the above-entitled litigation.

22 This Motion is based on this Notice of Motion, the attached Memorandum of Points and  
23 Authorities, the Statement of Undisputed Facts filed concurrently herewith, the Declarations of  
24 Benjamin Z. Rubin and Dee Dillon filed concurrently herewith, the pleadings and papers filed herein  
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