

1 PILLSBURY WINTHROP SHAW PITTMAN LLP
SARAH G. FLANAGAN #70845
2 sarah.flanagan@pillsburylaw.com
Four Embarcadero Center, 22nd Floor
3 San Francisco, CA 94111
Telephone: (415) 983-1000
4 Facsimile: (415) 983-1200

5 DIANNE L. SWEENEY #187198
dianne@pillsburylaw.com
6 2550 Hanover Street
Palo Alto, CA 94304-1115
7 Telephone: (650) 233-4500
Facsimile: (650) 233-4545
8

9 Attorneys for Defendant

10 ENVIRONMENTAL ADVOCATES
CHRISTOPHER A. SPROUL #126398
csproul@enviroadvocates.com
11 JODENE ISAACS #226895
jisaacs@enviroadvocates.com
12 5135 Anza Street
San Francisco, CA 94121
13 Telephone: (415) 533-3376, (510) 847-3467
Facsimile: (415) 358-5694
14

15 MICHAEL A. COSTA #219416
mike@ocefoundation.org
3848 Sacramento Street, #2
16 San Francisco, CA 94118
Telephone: (415) 342-0042
17

18 Attorneys for Plaintiffs

19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA

21 _____)
OUR CHILDREN’S EARTH, a non-profit) Civil Case No.: CV 14-1201-VC
22 corporation, and ECOLOGICAL RIGHTS)
FOUNDATION, a non-profit corporation) ~~PROPOSED~~ ORDER RE CASE
23) MANAGEMENT
Plaintiffs,)
24)
vs.)
25)
LELAND STANFORD JUNIOR)
26 UNIVERSITY)
27)
Defendant.)
28 _____)

1 The Court held a Case Management Conference on January 13, 2015. The parties
2 reported that the meet and confer process that was the subject of the Court's July 14, 2014
3 Order has narrowed the issues in the case.

4 **Lagunita Diversion Dam Fish Ladder:** For the reasons set forth in the Second Joint
5 Case Management Statement, Plaintiffs agreed to voluntary dismissal of their claim
6 concerning the fish ladder, and dismissal is so ordered.

7 **Searsville Booster Pump:** For the reasons set forth in the Second Joint Case
8 Management Statement, Plaintiffs agreed to voluntary dismissal of their claim concerning the
9 challenged perforated pipe for backwash water, and dismissal is so ordered.

10 **Flushing of the pipeline using the blowoff valve (gate valve) near the base of the**
11 **dam to clear the pipeline for water diversions:** For the reasons set forth in the Second Joint
12 Case Management Statement, Plaintiffs agreed to voluntary dismissal of their claim
13 concerning the flushing operations from the blowoff valve, and dismissal is so ordered.

14 After the dismissals above, the claim remaining in this case is that the Lagunita
15 Diversion Dam and the Jasper Ridge Road Crossing violate the Endangered Species Act
16 because they diminish the habitat functionally available to CCC steelhead by impeding their
17 ability to move within San Francisquito Creek and to upstream creeks.

18 As to that claim, Stanford shall continue to work with the agencies to design the
19 removal process for the Lagunita Diversion Dam and to assess whether and how the Road
20 Crossing should be modified or removed. The parties shall return for a further case
21 management conference on August 25, 2015, at 10:00 a.m. In the meantime, Stanford shall
22 provide Plaintiffs with a written status report on both projects every 75 days. Stanford shall
23 provide Plaintiffs with copies of substantive documents that Stanford transmits to or receives
24 from agencies addressing regulatory approvals for the projects within one week of transmittal
25 or receipt. The parties shall report to the Court on the status of both projects and the expected

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1 timeline for necessary permit applications in an updated case management statement to be
2 filed by August 18, 2015.

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4 Dated: January 16, 2015

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Hon. Vince Chhabria
United States District Judge

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