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21 PROTECTION ALLIANCE

22 **UNITED STATES DISTRICT COURT**
23 **EASTERN DISTRICT OF CALIFORNIA**

24 AQUALLIANCE, a non-profit corporation,
25 and CALIFORNIA SPORTFISHING
26 PROTECTION ALLIANCE, a non-profit
27 corporation,

28 Plaintiffs,

v.

UNITED STATES BUREAU OF
RECLAMATION, a federal agency,
RICHARD J. WOODLEY, in his official
capacity, LOWELL PIMLEY, in his official
capacity, and DAVID MURILLO, in his
official capacity,

Defendants.

) Case No.: 2:14-CV-01396-MCE-CMK
)
) NOTICE OF MOTION AND MOTION FOR
) PRELIMINARY INJUNCTION

) Hearing Date: July 10, 2014
) Time: 2:00 p.m.
) Courtroom 7

) The Hon. Judge Morrison C. England, Jr.

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE THAT Plaintiff will move this Court, by and through presentation of
3 this notice of motion and motion for preliminary injunction to the Clerk's office of the Sacramento
4 Division of the Eastern District of California, located at 501 I Street, Suite. 4-200 Sacramento, California,
5 on July 10, 2014, or as soon thereafter as the matter can be heard, to grant and issue a preliminary
6 injunction restraining and enjoining the Bureau of Reclamation and the individual defendants named in
7 this action and your officers, agents, servants, employees, and attorneys, and all those in active concert or
8 participation with you or them, from carrying out or approving any water transfers described in the April
9 2014 Final Environmental Assessment prepared by the Bureau of Reclamation pursuant to the National
10 Environmental Policy Act for the 2014 San Luis & Delta-Mendota Water Transfers, or the April 22, 2014
11 Finding of No Significant Environmental Impact adopted by the Bureau of Reclamation pursuant to the
12 National Environmental Policy Act for the 2014 San Luis & Delta-Mendota Water Transfers.
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15 The grounds for the motion and order are that the Bureau of Reclamation and the individual
16 defendants named in this action have not complied with the National Environmental Policy Act or the
17 Administrative Procedures Act before deciding to carry out the 2014 San Luis & Delta-Mendota Water
18 Transfers. A preliminary injunction is necessary to prevent irreparable harm to Plaintiffs and their
19 members, and the threatened Delta smelt. The balance of harms and the public interest weigh heavily in
20 favor of protecting that threatened species from the adverse impacts that will result from Defendants'
21 approvals of water transfers pursuant to the faulty environmental assessment and Finding of No
22 Significant Impact.
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24 This motion is based on this Notice of Motion and Motion, the accompanying Memorandum of
25 Points and Authorities, First Request for Judicial Notice, Declaration of Tom Cannon, Declaration of
26 Barbara Vlamis, Declaration of Thomas N. Lippe, Declaration of Bill Jennings, and the complete file in
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1 this matter and such other and further evidence as may be presented at the hearing on this matter.

2 DATED: June 13, 2014

3 Respectfully submitted,

4 LAW OFFICES OF THOMAS N. LIPPE

5 /s/ Thomas N. Lippe (as authorized 6/13/2014)

6 Thomas N. Lippe

7 LOZEAU DRURY LLP

8 /s/ Michael R. Lozeau

9 Michael R. Lozeau

10 Attorneys for Plaintiffs AQUALLIANCE AND CALIFORNIA
11 SPORTFISHING PROTECTION ALLIANCE

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