

From: Bridgewater, Bradley S (ENRD) [mailto:Bradley.S.Bridgewater@usdoj.gov]
Sent: Tuesday, April 22, 2008 11:11 AM
To: Vickie Gabin
Cc: Tanya Scott; edward.bagley@state.nm.us; janemarx@earthlink.net; bidtahnbekker@navajo.org; Singer, Arianne, OSE
Subject: RE: 07cv0681; limited entry of appearance
Special Master:

I quite sympathize with the Clerk's concerns about having to keep track of constantly changing appearances, and suspect that allowing limited appearances is only going to aggravate that problem. Someone has got to keep track of exactly who represents what clients with respect to which issues. Nonetheless, I fully intend to give open and constructive consideration to any specific proposal along those lines. To date, I have seen no such proposal.

Ms. Scott's letter to me contained a number of speculative generalities, and fairly constantly seemed to equivocate between talking about the main Zuni case, 01cv00072, and Subproceeding 1, 07cv00681. As I have pointed out to her, Subproceeding 1 is, by its very nature, a limited proceeding, with the consequence that any appearance made in that Subproceeding is already limited. Perhaps I simply lack sufficient imagination, but I find it very hard to guess what further limitation of its appearance LRPA has in mind. That is why I have repeatedly urged Ms. Scott to file a motion, so that there is a definite proposal to consider.

I also have to question the productiveness, if not the propriety, of discussing this matter without the participation of other counsel of record, such as Mr. Stripp and Mr. Shoenfeld. Both of those attorneys may have client interests affected by a limited entry by other counsel, and are experienced attorneys who may have useful insights into the subject. I frankly expect that Mr. Shoenfeld's perspectives on the matter may be quite at odds with my own, but there is no disputing his long acquaintance with the problems involved in representing groups of people in water adjudications.

Accordingly, I don't think we are going to get very far on a conference call. I think it will ultimately be more productive for all involved if Ms. Scott files a motion making a specific proposal and, after everyone interested has an opportunity to make comments, we have a hearing/working session to try to sort the matter out.

Nonetheless, I am generally available this week. I may be on travel part of next week, depending on whether we are able to schedule some Zuni consultations with Mr. Stripp and his clients. I will be out of the office at a conference May 12 through 14.

Bradley S. Bridgewater
U.S. Department of Justice
1961 Stout Street - 8th Floor
Denver, CO 80294
Telephone: (303) 844-1359
Fax: (303) 844-1350

From: Vickie Gabin [mailto:vlgabin@nm.net]
Sent: Monday, April 21, 2008 4:15 PM
To: tls@lrpa-usa.com; Bridgewater, Bradley S (ENRD); edward.bagley@state.nm.us; janemarx@earthlink.net; bidtahnbekker@navajo.org
Subject: 07cv0681; limited entry of appearance

EXHIBIT A

Counsel,

As you know, Ms. Scott has been grappling with a proposal for fashioning a limited entry of appearance on behalf of the membership of the Western New Mexico Water Users Association. She furnished me with a copy of her March 24 letter to Mr. Bridgewater. Today, we had a brief conversation in which she told me she had not received any feedback about her proposal for proceeding.

Ms. Scott's Motion for Leave to File Nunc Pro Tunc (No. 205) is still pending, notwithstanding that all of you have approved it. By way of background, I raised this matter with Ms. Scott initially when I spoke with the court clerk's office after the motion was filed. From the clerk's point of view, the prospect of an unending series of revisions of the attorney/client listings in the case caption is decidedly unattractive; and I was requested to make inquiries. (Unfortunately, this seems another instance of the electronic systems tail wagging the dog.)

I have not done any research into the legal aspects of this problem; rather, I had hoped that the involved attorneys could reach an understanding of what might be permissible practice for these adjudications. I would like to hear any objections to Ms. Scott's proposal first informally, in a telephonic conference with the group of you; then, if necessary, the matter can be set for hearing. Ms. Scott, please set up a conference call with your colleagues and me as soon as possible. I'm available tomorrow afternoon, all day Wednesday, Thursday morning, and every day next week except for Tuesday. I can also be available after May 8.

Thank you for your attention to this matter.

Vickie L. Gabin
Special Master
United States District Court, DNM
Santa Fe, NM 87501

(505) 955-0678
vlgabin@nm.net

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