

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA, for Itself and)	
as Trustee for the Zuni Indian Tribe, Navajo Nation)	
and Ramah Band of Navajos, and)	
and)	
STATE OF NEW MEXICO, <i>ex rel.</i> State)	
ENGINEER,)	
Plaintiffs,)	
)	
and)	01cv072-BB/WDS
ZUNI INDIAN TRIBE, NAVAJO NATION,)	
Plaintiffs-in-Intervention,)	ZUNI RIVER BASIN
)	ADJUDICATION
)	
-v-)	
)	
STATE OF NEW MEXICO, COMMISSIONER)	
OF PUBLIC LANDS and A & R PRODUCTIONS,)	
<i>et al.</i>)	
)	
Defendants.)	
)	

ORDER TAKING UNDER ADVISEMENT
JOINT MOTION TO AMEND SCHEDULING ORDER

THIS MATTER is before the Special Master on the November 9, 2010, Joint Motion to Amend Scheduling Order (Docket No. 2619).

The Joint Motion is premised on the resource constraints faced by counsel in the face of the pending trial on the claims of Ohkay Owingeh in the Rio Santa Cruz and Rio Truchas adjudication, *State v. Abbott*, 68cv07488. When the Joint Motion was filed, trial was scheduled to begin on January 31, 2011. Since that filing, however, the trial date was vacated; Mr. Tim Vollmann, special counsel for Ohkay Owingeh, passed away; and the matter was continued for a yet-to-be determined period of time. *See*, Order Vacating Trial Date (November 24, 2010, No. 2867) and Order Granting Motion to Vacate Pretrial Conference and Exhibit List Deadline (December 15, 2010, No. 2875).

The Movants note that they have agreed to confer again about the deadlines they propose no

later than January 14, 2011, and will notify me by February 18, 2011, if these deadlines should be revisited. Given the scheduling uncertainties of the Ohkay Owingeh proceedings, and the fact that a substantial period of time has elapsed since the last meeting with counsel in this Subproceeding (December 1, 2009), I find that any changes to the existing scheduling order (September 24, 2008, No. 278), as amended, should be discussed during a status conference.

Further, this status conference should be consolidated with a status conference in the Navajo Indian Claims Subproceeding. *See*, the Joint Motion to Amend Scheduling Order filed in the member Zuni River Basin Adjudication case, *United States v. State of New Mexico, ex rel. State Engineer*, No. 07cv0681 (November 9, 2010, No. 301).

Accordingly, counsel shall confer and no later than January 20, 2011, notify me of their availability for a status conference in this matter during the month of February, 2011.

IT IS SO ORDERED.

Vickie L. Gabin

SPECIAL MASTER