

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

Before the Honorable William P. Lynch, United States Magistrate Judge

Clerk's Minutes

Case: U.S.A. et al. v. A & R Prods. et al.
Case No.: 01-cv-0072 MV/WPL
Subfile No: ZRB-2-0014
Date: April 14, 2014
Attorney for Plaintiff: Andrew Guarino (USA)
Edward C. Bagley (NM)
Attorney for Defendant: Edward J. and Susan J. Bawolek (pro se)
Att'y for Cross-Defendant: John L. Sullivan (Public Lands Comm'r)
Clerk: jbe
Type of Proceeding: Pretrial conference
Proceedings Commenced: 8:39 a.m.
Court in Recess: 8:54 a.m.
Total Time: **15 minutes**

Proceedings: The parties noted a dispute as to the scope of discovery in the Joint Status Report (JSR). Defendants want this scope to encompass matters in independent subfile actions to see the nature of proof accepted by Plaintiffs in settling those other subfiles. Plaintiffs respond that these matters should be irrelevant to this subfile until the inter se phase proceeds. The Court agrees with Plaintiffs and limited the scope of discovery to factual matters associated with establishing the quantity and priority for Defendants' contested water rights based on prior beneficial use.

As to the number of requests for admission, which is also contested, the Court granted each side a maximum of thirty-five. The Court otherwise adopted the JSR and discussed the time frame for discovery, dispositive motions, and an evidentiary hearing. The Court also took note of the pending motion to dismiss cross-claim.