

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

UNITED STATES OF AMERICA)	
and)	07cv00681-BB
ZUNI INDIAN TRIBE)	
Plaintiffs,)	ZUNI RIVER BASIN
)	ADJUDICATION
-v-)	
)	
STATE OF NEW MEXICO, ex rel. State)	Subproceeding 1
ENGINEER, et al.)	Zuni Indian Claims
Defendants)	
_____)		

**JOINT SUGGESTIONS CONCERNING SCHEDULING AND MANAGEMENT
CONFERENCE AGENDA ITEMS**

The Plaintiff United States of America (“United States”) and Defendant State of New Mexico ex rel. State Engineer (“State”), via the undersigned counsel and in response to the Special Master’s July 23, 2008 letter to counsel and parties *pro se*, submit these requests to include additional items on the agenda for the August 27, 2008 scheduling and management conference.

1. The United States and the State urge the Special Master to schedule any necessary argument on pending motions concerning party status and representation of parties by counsel in this subproceeding. These include:

Doc. No. 186	<i>Motion to Strike Answer to Complaint filed by Non-Parties (Doc. No. 185). This motion was opposed, but has been fully briefed since February 22, 2008.</i>
Doc. No. 205	<i>Motion for Leave to File Nunc Pro Tunc as of October 26, 2007 Notices of Intent to Participate, To Amend the Special Master’s Initial Scheduling and Planning Order and for Leave to File an Answer. This motion relates to the issues raised by Doc. No. 186, and is unopposed.</i>

Doc. Nos. 210 - 217	Motions to Withdraw as Counsel of Record. Filed March 4, 2008, and unopposed.
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The lack of a ruling on these motions creates significant confusion on the record concerning the fundamental question of who the parties to this Subproceeding are, and whether they are represented by counsel. This, in turn, creates uncertainty concerning, *inter alia*, who must be served with pleadings, who is eligible to file pleadings, and who was required to make initial disclosures pursuant to paragraph 3.5 of the *Initial Scheduling and Planning Order*.

2. Since some of the same counsel involved in Subproceeding 1 are also involved in the following motions pending in the main case, No. 01cv00072, the United States and the State (Co-Plaintiffs in the main case) further urge the Special Master to schedule, on August 27, 2008 or an adjacent date, any necessary argument concerning these matters:

Doc. Nos. 1279 & 1285	Motions to Dismiss Counterclaim of Defendant Paul Davis Survivors Trust. Fully briefed as of November 1, 2007.
Doc. Nos. 1280 & 1286	Motions to Dismiss Counterclaim of Defendant JoAnn V. Davis. Fully briefed as of November 1, 2007
Doc. Nos. 1281 & 1287	Motions to Dismiss Counterclaim of Defendant Luis Mario Baeza. Fully briefed as of November 1, 2007.
Doc. Nos. 1278 & 1288	Motions to Dismiss Counterclaim of Defendant Lisa Baeza. Fully briefed as of November 1, 2007.
Doc. Nos. 1527-1529, 1531, 1534-1617, 1620-1621 & 1623	Motions to Withdraw as Counsel of Record. Pending since March 2008 and unopposed.
Doc. Nos. 1729 & 1730	<i>Motion to Set Aside Entry of Default, and Response in Opposition to Motion for Default Judgment</i> , filed by David Kessler (ZRB-3-0090). Plaintiffs opposed. Fully briefed as of April 23, 2008.

Doc. No. 1763	<i>Motion to Withdraw General Entries of Appearance for Members of WNMWPA and for Leave to Enter Limited Appearance on Behalf of Assoc Members When Global Issues Arise. Fully briefed as of June 23, 2008.</i>
Doc. No. 1794	<i>Motion for Default Judgment (ZRB-3-0038). Filed June 25, 2008 and unopposed.</i>
Doc. No. 1797	<i>Motion for Default Judgment (ZRB-1-0058). Opposed by a non-party to the subfile. Fully briefed as of July 11, 2008.</i>
Doc. No. 1807	<i>Motion to Correct Defendant's Name. Filed July 8, 2008 and unopposed.</i>
Doc. No. 1816	<i>Motion to Dismiss Party Defendant and to Vacate Certificate of Default as to Woodson Allen, Trustee. Filed 7/15/2008 and unopposed.</i>

Respectfully submitted,

/s/ Bradley S. Bridgewater
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on August 5, 2008, I filed the foregoing *Joint Suggestions Concerning Scheduling and Management Conference Agenda Items* electronically through the CM/ECF system, which caused parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

_____/s/_____
BRADLEY S. BRIDGEWATER