

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

UNITED STATES OF AMERICA	)	
and	)	<b>07cv0681-BB</b>
ZUNI INDIAN TRIBE	)	
Plaintiffs,	)	ZUNI RIVER BASIN
	)	ADJUDICATION
-v-	)	
	)	
STATE OF NEW MEXICO, <i>ex rel.</i> State	)	<b>Subproceeding 1</b>
ENGINEER, <i>et al.</i>	)	<b>Zuni Indian Claims</b>
Defendants	)	
_____	)	

ORDER GRANTING IN PART MOTION FOR LEAVE TO FILE *NUNC PRO TUNC*

THIS MATTER is before the Special Master on the 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, filed by numerous parties represented by Tanya L. Scott, Law & Resource Planning Associates, P.C. (February 28, 2008, Docket No. 205). There is no opposition to the Motion. Having heard the comments of counsel at the August 27, 2008, scheduling conference, and being otherwise fully advised in the premises, I find that the Motion should be GRANTED in part and DENIED in part. The defendants named in the Motion should be included as participants in the Zuni Subproceeding of this adjudication.

Defendants also request that the Initial Scheduling and Planning Order (January 3, 2008, No. 151) be amended to reflect their inclusion. Such amendment is unnecessary; the list of defendants included in the Order has changed over time, with some defendants withdrawing from participation and others intervening in this action (see, e.g., Nos. 195 and 219). The task of ensuring that the January 3 Order is current with respect to participant information would require court and attorney time and resources which would be better spent in other endeavors.

Defendants also request leave to file answers, which, pursuant to the Initial Scheduling and Planning Order, were to be filed on or before January 31, 2008. An answer was filed on their behalf by Ms. Scott (February 1, 2008, No. 185); and the United States of America filed its Motion to Strike Answer Filed by Non-Parties (February 4, 2008, No. 186). This matter will be resolved in a forthcoming order.

IT IS ORDERED, THEREFORE, that the defendants named in the Motion should be included as participants in the Zuni Subproceeding of this adjudication *nunc pro tunc* as of October 26, 2007.

IT IS SO ORDERED.

*Vickie L. Gabin*  
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SPECIAL MASTER