

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	)	<b>Subproceeding 1</b>
ENGINEER, et al.	)	<b>Zuni Indian Claims</b>
Defendants	)	
_____	)	

JOINT UNOPPOSED MOTION TO EXTEND TIME WITHIN WHICH THE STATE WILL  
MAKE ITS RULE 26(a)(2) DISCLOSURES OF EXPERT WITNESS TESTIMONY

Come Now, the State of New Mexico *ex rel.* State Engineer (“State”), and the United States, by and through their respective counsel, and hereby move for an extension of the time within which the State will make Rule 26(a)(2) disclosures of expert testimony. In support thereof, the moving Parties state as follows:

1. The present *Scheduling Order* (No. 264), filed September 24, 2008, requires that Rule 26(a)(2) reports be disclosed from the State by November 3, 2009, and from all other parties by January 27, 2010. *Id.* at 13.

2. The State’s experts are actively conducting research and investigations into the historical, hydrological and engineering aspects of the claims of the United States and the Zuni Indian Tribe. However, these investigations have turned out to be significantly more complex and expensive than originally contemplated, and the State’s experts need additional time to complete this work.

3. The State has consulted with counsel for the Zuni Indian Tribe and the Navajo Nation, and with Tanya L. Scott and James M. Noble, and they agree that the deadline for the State's disclosure of expert reports can be extended to January 27, 2010, the current deadline for disclosure of the remaining parties' expert reports.

4. The State has contacted all other counsel in this subproceeding to request concurrence, and no opposition to this motion has been received.

5. Counsel for the State, the United States, the Zuni Indian Tribe, and the Navajo Nation have also discussed other changes to the schedule in this Subproceeding and in Subproceeding 2, which will adjudicate Navajo Indian water rights claims. Motions concerning those additional changes will be submitted on or before November 12, 2009.

WHEREFORE, the State and the United States request that the date by which the State's expert disclosures are to be made be extended to January 27, 2010.

Electronically Filed

/s/ Edward C. Bagley

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on October 30, 2009, I filed the foregoing Joint Unopposed Motion to Extend Time Within Which the State Will Make Its Rule 26(a)(2) Disclosures of Expert Witness Testimony electronically through the CM/ECF system, which caused the parties or counsel reflected on the Notice of Electronic Filing to be served by electronic means.

/s/ Edward C. Bagley