

**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 MOTION TO AMEND SCHEDULING ORDER

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 the Special Master to amend the present scheduling order governing discovery and trial in this subproceeding. In support thereof, the moving Parties state as follows:

1. The deadline for disclosure of Rule 26(a)(2) reports from parties other than the United States, the Zuni Indian Tribe and the State in the present *Scheduling Order* (No. 264), filed September 24, 2008, is January 27, 2010. *Id.* at 13.

2. The deadline for the State’s expert reports has been extended to January 27, 2010, pursuant to the Special Master’s Order Granting Motion to Amend Scheduling Order (No. 278), filed November 2, 2009. The State found the necessary investigations turned out to be significantly more complex and expensive than originally contemplated. It is therefore reasonable to allow the non-State parties the same amount of time to review the State’s reports

and respond, if desired, that they would have had under the unmodified September 2008 Scheduling Order. Thus, the moving Parties propose in this Joint Motion that this disclosure deadline be extended to April 22, 2010, and that proposal is noted particularly in this paragraph as it is the most immediate deadline that the moving parties are proposing to modify.

3. The moving Parties propose that the change discussed in paragraph 2 above and other modifications to Section IV, all of which are set out in the following, be adopted by the Special Master to govern the discovery, other pre-trial, and trial activities of this subproceeding:

<u>Activity</u>	<u>Scheduling Order: Activity Deadline</u>	<u>Moving Parties' Proposal</u>
“All other” parties’ Rule 26(a)(2) Expert Reports	January 27, 2010	April 22, 2010
Close of Discovery	May 4, 2010	March 4, 2011
Pretrial Motions	July 30, 2010	May 6, 2011
Final Witness Lists & Exhibits	October 1, 2010	July 8, 2011
Trial	November 9, 2010	September 8, 2011
United States Rule 26(a)(2) Expert Reports re DCMI	July 6, 2011	May 2, 2012
Zuni Expert Reports	November 2, 2011	September 5, 2012
State Expert Reports	July 6, 2012	May 3, 2013
“All other” parties’ reports	October 5, 2012	August 2, 2013
Close of Discovery	February 26, 2013	December 20, 2013
Pretrial Motions	April 30, 2013	February 28, 2014

Final Witness Lists & Exhibits	July 2, 2013	May 6, 2014
Trial	August 6, 2013	June 9, 2014

4. The movants expect these proposals to be the subject of discussion at the Special Master's December 1, 2009 Status Conference. The State has contacted other counsel in this subproceeding to request concurrence, and no notice of expected opposition to this motion has been received.

5. Counsel for the State, the United States, the Zuni Tribe, and the Navajo Nation have also discussed other changes to the schedule in Subproceeding 2, which will adjudicate Navajo Indian water rights claims. The parties expect to file a motion to amend the Preliminary Procedural and Scheduling Order for Subproceeding 2 (No. 1767) filed May 12, 2008 before the December 1 Status Conference.

WHEREFORE, the undersigned movants request that, after consideration of all counsel's views at the December 1 Status Conference, the Special Master adopt the above proposed amendments to the existing Scheduling Order to govern the discovery, other pretrial, and trial activities of this subproceeding.

Electronically Filed

/s/ Edward C. Bagley

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on November 13, 2009, I filed the foregoing 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