

**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)	
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**UNOPPOSED MOTION TO EXTEND TIME WITHIN WHICH THE STATE AND
OTHER PARTIES WILL MAKE THEIR RULE 26(a)(2) DISCLOSURES OF EXPERT
WITNESS TESTIMONY**

COMES NOW, the State of New Mexico *ex rel.* State Engineer (“State”), and hereby moves the Special Master to amend the present scheduling order governing discovery and trial in this subproceeding to provide for a second extension of the time for expert reports. In support thereof, the State states as follows:

1. The deadline for the State’s expert reports was extended to January 27, 2010, pursuant to the Special Master’s *Order Granting Motion to Amend Scheduling Order* (No. 278), filed November 2, 2009.

2. The deadline for disclosure of Rule 26(a)(2) reports from parties other than the United States, the Zuni Indian Tribe and the State was extended to April 22, 2010 by the *Order Granting Joint Motion to Amend Scheduling Order* (No. 280), filed December 4, 2009.

3. Since that extension was granted, the State's expert, Dr. Stan Hordes, has experienced a family emergency which has necessarily caused him to be diverted from the task of developing his expert report for the State. Other of the State's experts have experienced scheduling difficulties with respect to developing their own reports as a result of the unanticipated furloughs imposed upon them as a result of the State's budget crisis.

4. To accommodate these difficulties, the State requests a thirty day extension, to February 26, 2010, to make their Rule 26(a)(2) expert witness disclosures.

5. In addition, Dr. Hordes has had some difficulty obtaining certain documents from a BIA repository in Lenexa, Kansas. The State has been working with counsel for the United States on obtaining those documents, and is hopeful that this will occur in the near future.

6. The State therefore requests an opportunity to supplement its expert reports when it receives those documents.

7. The State further requests that the deadline for disclosure of Rule 26(a)(2) reports from parties other than the United States, the Zuni Indian Tribe and the State also be extended thirty days, to May 21, 2010.

8. These proposed extensions would have no impact on the existing deadline for the close of discovery, or the scheduled date for trial.

9. The State has contacted other counsel in this subproceeding to request concurrence, and no notice of expected opposition to this motion has been received.

WHEREFORE, the State requests a thirty day extension, to February 26, 2010, to make its Rule 26(a)(2) expert witness disclosures, an opportunity to supplement its expert reports

when it receives the Lenexa, Kansas documents from the BIA, and that the deadline for disclosure of Rule 26(a)(2) reports from parties other than the United States, the Zuni Indian Tribe and the State also be extended thirty days, to May 21, 2010.

Electronically Filed

/s/ Edward C. Bagley

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on January 25, 2010, 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