

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

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

JOINT MOTION TO VACATE SCHEDULING ORDERS FOR SUBPROCEEDING 1

The State of New Mexico *ex rel.* State Engineer (“State”), the United States of America (“United States”), and the Zuni Indian Tribe (“Tribe”) (collectively, the “Movants”), through undersigned counsel, jointly move the Court to enter an order vacating the existing Scheduling Orders in this case, including the May 21, 2013 *Order Granting Joint Motion to Amend Scheduling Order for Subproceeding 1* [Doc. 326], amending the September 24, 2008 *Scheduling Order* [Doc. 264], as amended by the December 4, 2009 *Order Granting Joint Motion to Amend Scheduling Order* [Doc. 280], as amended by the April 20, 2011 *Order Granting Joint Motion to Amend Scheduling Order* [Doc. 306], and August 14, 2012 *Order Granting Joint Motion to Amend Scheduling Order* [Doc. 323] governing discovery, pre-trial and trial activities in this Subproceeding. In support of this motion, the Movants state:

1. The Movants recently met to explore whether they may be able to reach a negotiated resolution of the Tribe’s claims. The Movants are sufficiently optimistic about the possibility of resolving this Subproceeding without trial that they desire to focus their efforts on settlement

discussions rather than trial preparation. To that end, the Movants have scheduled settlement negotiations and jointly agree more time is necessary to determine whether these negotiations will prove fruitful.

2. The Movants request the Court to vacate retroactively the October 11, 2013 deadline identified in the May 21, 2013 *Order Granting Joint Motion to Amend Scheduling Order for Subproceeding 1* [Doc. 326] for submission of the State's rebuttal report on historically irrigated acreage and crop consumptive irrigation requirements. Prior to that deadline, counsel for the Movants had agreed to present the potential for negotiations to their clients, and that the resources needed to complete the remaining expert disclosures could be better invested in the settlement initiatives. Securing client guidance concerning the negotiations took precedence over timely completion of this pre-trial activity.

3. The Movants agree to file a Status Report with the Court within six months of entry of an order vacating the existing Scheduling Orders. The Movants contemplate that the Status Report would update the Court on the status of settlement negotiations and request additional time to pursue negotiations or, should it be necessary, propose a revised schedule for discovery, pre-trial activity and trial.

4. A draft of the present motion was circulated via email to counsel of record on November 7, 2013 with a request that they indicate whether they concur or intend to oppose this motion. As of this filing, no parties have either indicated that they intend to oppose this motion or otherwise responded.

WHEREFORE, the State, United States, and Tribe respectfully request the Court to vacate the existing deadlines set forth in the May 21, 2013 *Order Granting Joint Motion to Amend Scheduling Order for Subproceeding 1* [Doc. 326], amending the September 24, 2008

Scheduling Order [Doc. 264], as amended by the December 4, 2009 *Order Granting Joint Motion to Amend Scheduling Order* [Doc. 280], as amended by the April 20, 2011 *Order Granting Joint Motion to Amend Scheduling Order* [Doc. 306], and August 14, 2012 *Order Granting Joint Motion to Amend Scheduling Order* [Doc. 323] to permit the Movants an opportunity to pursue settlement negotiations, and to order these Movants to submit, six months following the date of the order granting this motion, a report concerning the status of their negotiations and the Movants' proposal concerning further scheduling in this Subproceeding.

Respectfully submitted:

_____/s/_____
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APPROVED 11/6/2013
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on November 8, 2013, I filed the foregoing *Joint Motion To Vacate Scheduling Orders For Subproceeding 1* electronically through the CM/ECF system, which caused CM/ECF Participants to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

_____/s/_____
Bradley S. Bridgewater