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

UNITED STATES OF AMERICA, for Itself	)	
and as Trustee for the Zuni Indian Tribe, Navajo	)	
Nation and Ramah Band of Navajos	)	
and	)	
STATE OF NEW MEXICO, ex rel. STATE	)	
ENGINEER,	)	
Plaintiffs,	)	
	)	
and	)	No. 01CV0072 MV/WPL
ZUNI INDIAN TRIBE and NAVAJO NATION,	)	
Plaintiffs-in-Intervention	)	Subfile No. ZRB-2-0098
	)	
	)	ZUNI RIVER BASIN
V.	)	ADJUDICATION
	)	
STATE OF NEW MEXICO COMMISSIONER	)	
OF PUBLIC LANDS,	)	
and	)	
A & R PRODUCTIONS, et al.,	)	
	)	

## UNOPPOSED JOINT MOTION TO SET PRETRIAL CONFERENCE

On September 29, 2016, the Court issued its rulings to the parties' respective motions for summary judgments and returned this matter back to the Magistrate Judge for resolution of the remaining issues in dispute. *See Order Adoption Magistrate Judge's Proposed Findings and Recommended Disposition* (ECF No. 3325). The Court identified that 12 water features remain in dispute associated with 2 springs and 10 depressions/stockponds.<sup>1</sup>

<sup>&</sup>lt;sup>1</sup> Specifically, the claims for Canyon Springs and Jaralosa Springs (Subfile Answer at 71 ¶¶ A and B) (ECF No. 2925) and 10 depressions/stockponds (Subfile Answer 74 – 77 ¶¶ 2-6, 8-12) remain in dispute.

The parties have consulted and are unable to resolve their remaining disputes to date. The parties will continue to make efforts to resolve the issues but request that the Court schedule a pretrial conference in front of Magistrate Judge Lynch to develop a trial order and schedule that will permit the parties to resolve the few remaining issues concerning this subfile proceeding. The parties request that the pretrial conference be schedule no earlier than the end of February to give the parties a final opportunity to resolve the outstanding issues between them.

Date: January 23, 2017

<u>/s/ Andrew "Guss" Guarino</u> Andrew "Guss" Guarino Samuel L. Gollis Bradley S. Bridgewater U.S. Department of Justice South Terrace, Suite 370 999 18th St. Denver, CO 80202 (303) 844-1343 (303) 844-1351 (303) 844-1359 COUNSEL FOR THE UNITED STATES

<u>/s/ Edward C. Bagley</u> Edward C. Bagley Special Assistant Attorneys General P.O. Box 25102 Santa Fe, NM 87504-5102 (505) 827-6150 COUNSEL FOR NEW MEXICO <u>/s/ Peter Shoenfeld</u> Peter B. Shoenfeld, P.A. P.O. Box 2421 Santa Fe, NM 87504 (505) 982-3566 COUNSEL FOR SUBFILE DEFENDANTS

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 23, 2017, 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/ Andrew "Guss" Guarino\_\_\_\_\_