

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

UNITED STATES OF AMERICA	)	
and	)	No. 01cv00072-MV/JHR
STATE OF NEW MEXICO, ex rel. STATE	)	
ENGINEER,	)	ZUNI RIVER BASIN
Plaintiffs,	)	ADJUDICATION
v.	)	
	)	<b>Subfile No. ZRB-4-0119</b>
A & R PRODUCTIONS, et al.	)	
Defendants.	)	
_____	)	

**NOTICE OF BRIEFING COMPLETE RE: JOINT MOTION TO SET PRETRIAL  
CONFERENCE**

Pursuant to D.N.M.LR-Civ. 7.4(e), the Plaintiffs United States of America and State of New Mexico (Plaintiffs) hereby certify that their motion to set a pretrial conference is ready for decision. The following have been submitted for resolution by the Court:

1. Plaintiffs' *Joint Motion to Set Pretrial Conference* (ECF No. 3406).

Pursuant to Local Rule D.N.M.LR-Civ. 7.4(a), Defendant's response to the motion was required to be filed within fourteen (14) calendar days, or by October 13, 2017. Defendant did not file a response. Pursuant to Local Rule D.N.M.LR-Civ. 7.1(b), "failure of a party to file and serve a response in opposition to a motion within the time prescribed for doing so constitutes consent to grant the motion."

Plaintiffs request that the Court grant their motion, set a pretrial conference, and enter a pretrial order consistent with the previously submitted Joint Status Report and Proposed Discovery Plan (ECF No. 3406-1).

Dated: October 16, 2017.

Respectfully submitted,

/s/ Edward C. Bagley  
Edward C. Bagley  
Office of the New Mexico State Engineer  
Special Assistant Attorney General  
P.O. Box 25102  
Santa Fe, NM 87504-5102  
(505) 827-6150  
ATTORNEY FOR THE STATE OF  
NEW MEXICO

/s/ Andrew "Guss" Guarino  
Andrew "Guss" Guarino  
Bradley S. Bridgewater  
Samuel D. Gollis  
U.S. Department of Justice  
999 18th Street  
South Terrace, Suite 370  
Denver, CO 80202  
(303) 844-1343  
ATTORNEYS FOR THE  
UNITED STATES

**CERTIFICATE OF SERVICE**

I hereby certify that on this 16th day of October, 2017, I filed the foregoing 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/ Andrew "Guss" Guarino  
Andrew "Guss" Guarino