

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

UNITED STATES OF AMERICA and)	
STATE OF NEW MEXICO, ex rel. STATE))	
ENGINEER,)	
Plaintiffs,)	
)	
and)	No. 01cv0072 BB/LFG
ZUNI INDIAN TRIBE and NAVAJO NATION,)	
Plaintiffs-in-Intervention)	
)	
)	ZUNI RIVER BASIN
v.)	ADJUDICATION
)	
A & R PRODUCTIONS, et al.,)	

JOINT MOTION TO AMEND SCHEDULING ORDER FOR SUBPROCEEDING 2

The State of New Mexico *ex rel.* State Engineer (“State”) and the United States of America (“United States”), with the consent of the Zuni Indian Tribe and the Navajo Nation, move the Court to amend the *Preliminary Procedural and Scheduling Order for Subproceeding 2* (No. 1767) filed May 21, 2008, as amended by the December 4, 2009 *Order Granting Joint Motion to Amend Navajo Indian Claims Scheduling Order* (No. 2487) and the April 20, 2011, *Order Granting Joint Motion to Amend Scheduling Order* (No. 2650), governing the adjudication of the Navajo Nation’s water rights claims.

1. Concurrently with this motion, the State and United States are filing a *Motion to Amend Scheduling Order* to amend the deadlines governing discovery, other pre-trial, and trial activities for Subproceeding 1. The moving parties therefore request that the deadlines set out in the April 20, 2011, *Order Granting Joint Motion to Amend Scheduling Order* (No. 2650) be

amended to coordinate with the proposed changes to the scheduling in Subproceeding 1, as set out below:

Activity	Previous Date	Amended Date
US Subproceeding Complaint	December 14, 2012	December 14, 2012
Supplemental Complaint	February 28, 2013	May 1, 2013
Service of Notice	May 31, 2013	August 19, 2013
Notices of Intent to Participate	July 11, 2013	November 15, 2013
Entries of Appearance	July 11, 2013	November 15, 2013
Scheduling Conference	August 2, 2013	November 26, 2013
Answers	November 1, 2013	February 26, 2014
US Rule 26(a)(2) DCMI Expert Reports	April 4, 2014	October 2, 2015
Navajo Expert Reports	August 1, 2014	February 5, 2016
State Expert Reports	April 3, 2015	November 4, 2016
“All other” parties’ reports	July 2, 2015	February 3, 2017
Rebuttal Reports from all parties		September 8, 2017
Close of Discovery	December 18, 2015	June 8, 2018
Dispositive Motions	February 5, 2016	August 10, 2018
Responses	February 26, 2016	September 7, 2018
Replies	March 11, 2016	September 21, 2018
Reserve courtroom	March 11, 2016	September 21, 2018
Proposals for stipulations for exhibits:	March 18, 2016	October 5, 2018
Rule 26(a)(3) Final Witness & Exhibits Lists	March 25, 2016	October 12, 2018
Pretrial Motions	April 14, 2016	November 2, 2018
Responses	May 6, 2016	November 30, 2018
Replies	May 20, 2016	December 14, 2018
Pretrial Conference	July 13, 2016	February 25, 2019
Trial on DCMI claims begins	August 22, 2016	April 8, 2019
DCMI Trial ends		April 26, 2019
Requested Findings of Fact & Conclusions of Law		July 19, 2019
Responses to RFFCL		August 23, 2019
Replies to RFFCL		September 18, 2019

2. There will be no other rebuttal reports except as specifically provided by the schedule above.

3. The Navajo Nation and the Zuni Indian Tribe do not oppose this motion. 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 undersigned movants request that the Special Master adopt the above proposed amendments to the existing *Preliminary Procedural and Scheduling Order for Subproceeding 2* to govern the scheduling of Subproceeding 2.

Electronically Filed

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 11, 2012, 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/ Arianne Singer_____