

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

ZUNI INDIAN TRIBE, NAVAJO NATION

Plaintiffs-in-Intervention,

-vs-

A & R Productions, et al.,

Defendants.

No. 01cv00072-MV-WPL
Subfile No. ZRB-2-00098
JAY Land Ltd. Co., Yates
Ranch Property LLP

JOINT MOTION TO MODIFY SCHEDULING ORDER DEADLINES

Plaintiffs United States of America and State of New Mexico and Defendants JAY Land Ltd. Co. and Yates Ranch Property LLP, jointly move the Court to modify the Court's ORDER SETTING PRETRIAL DEADLINES AND ADOPTING JOINT STATUS REPORT of September 5, 2014, Document 2991, by extending the deadline for discovery, and all remaining deadlines, by thirty-two (32) days.

As grounds the parties state the following:

1. The parties have made substantial progress in reducing the number of contested claims and factual issues which would otherwise have to be presented at trial. Specifically, the parties have identified and agreed on process to resolve the contested water rights for all stockponds on Atarque Ranch.

2. A part of their effort to reduce these significant issues and corresponding trial time associated with stockponds, the parties (including counsel, party representatives, and experts) must conduct a final field inspection in the immediate future, and take measurements of a number of stockponds at Atarque Ranch.

3. The parties have scheduled a joint field inspection of portions of Atarque Ranch for the first week in March, 2015, and following such inspection the conclusion of discovery. After the field inspection, the parties will need to depose an expert for the plaintiffs and and an expert for the defendants.

4. The existing discovery deadlines do not enable the parties to both satisfactorily conclude settlement efforts of a significant portion of contested claims and conclude discovery.

WHEREFORE the parties jointly request that the discovery deadline of March 4, 2015, as set forth at p. 2 in the Court's scheduling order (Document 2991) be extended by thirty-two (32) days to April 6, 2015. Likewise, the parties jointly request that all remaining deadlines described in the Court's scheduling order be similarly extended.

/s/ Andrew "Guss" Guarino
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AND

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AND

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 20, 2015, I served the foregoing Joint Motion to Modify Scheduling Order Deadlines on all parties and counsel served by the Courts' digital filing and service system.

S/ Peter B. Shoenfeld