

**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,

v.

A & R PRODUCTIONS et al.,

Defendants.

CV 1-72 MV/WPL

ZUNI RIVER BASIN
ADJUDICATION

Subfile No. ZRB-1-0092

INITIAL SCHEDULING ORDER

The consultation period has ended and the parties have not agreed to a Consent Order. Therefore, this case will be set for scheduling, case management, discovery, and other matters. The parties are reminded that the Federal Rules of Civil Procedure and the local rules of the Court will apply to this lawsuit.

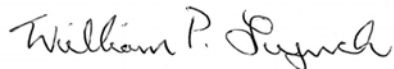
The parties, appearing through counsel or pro se, shall “meet and confer” no later than twenty-one (21) days before the initial scheduling conference. *See* FED. R. CIV. P. 26(f). The parties will cooperate in preparing a Joint Status Report and Provisional Discovery Plan (JSR) that follows the sample JSR available at the Court’s web site. The blanks for suggested dates are to be filled in by the parties. Actual dates will be promulgated by order of the Court. The time allowed for discovery is generally 180 days. The Plaintiff is responsible for filing the JSR by **April 29, 2015, at 5:00 p.m.**

Good cause must be shown and the Court’s express and written approval obtained for any modification of the dates in the scheduling order that issues from the JSR.

Initial disclosures must be made within fourteen (14) days of the meet-and-confer session. *See* FED. R. CIV. P. 26(a)(1).

A Rule 16 initial scheduling conference will be held by telephone on **May 6, 2015, at 8:30 a.m. at the Court's "meet-me" line, (505) 348-2356**. A reliable long-distance carrier is recommended to ensure sound quality. This line can only accommodate up to five telephone lines, including the Court's; if the parties anticipate that they will exceed this capacity, they must contact the Court immediately so that alternative arrangements may be made. Counsel should be prepared to discuss discovery needs and scheduling, all claims and defenses, initial disclosures, and the timing of expert disclosures and reports under Federal Rule of Civil Procedure 26(a)(2). Counsel should also be prepared to discuss the use of scientific evidence and whether a *Daubert* hearing is needed.¹ In addition, we will discuss settlement prospects and alternative dispute resolution possibilities. Client attendance is not required.

IT IS SO ORDERED.



William P. Lynch
United States Magistrate Judge

¹ *See Daubert v. Merrell Dow Pharm.*, 509 U.S. 579 (1993).

A true copy of this order was served on the date of entry--via mail or electronic means--to counsel of record and any pro se party as they are shown on the Court's docket.