

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-

No. 01cv00072-MV-WPL

A & R Productions, et al.,

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

Defendants.

**SECOND 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 *Order Setting Pretrial Deadlines and Adopting Joint Status Report* (Doc. 2991) and the *Order Granting Joint Motion to Modify Scheduling Order Deadlines* (Doc. 3030), by extending the deadline for discovery, and all remaining deadlines, by approximately thirty (30) days.

As grounds the parties state the following:

1. The parties previously informed the Court that they are in the process of resolving factual disputes concerning numerous stockponds located on Defendants' property in the Zuni River Basin. *See Joint Motion to Modify Scheduling Order Deadlines* (Doc. 3029).

Since then, the parties scheduled at least two attempts to complete necessary field work

to complete necessary data collection; however, rain events on the day prior to each scheduled visit made dirt roads impassable and data collection impossible.

2. Currently, the parties have re-scheduled to complete necessary field work and data collection on Wednesday April 15, 2015 (weather permitting).
3. In addition to settlement efforts, the parties had previously agreed to Defendants' deposing Plaintiffs' expert, Mr. Scott Turnbull on Wednesday April 1, 2015; however, Mr. Turnbull has become unexpectedly unavailable as the result of the unexpected hospitalization of his father.
4. The parties have rescheduled Mr. Turnbull's deposition for two weeks from now. Given the uncertain circumstances of Mr. Turnbull's father's health, the parties recognize that this date too might not be workable for Mr. Turnbull; however, by extending the discovery period for thirty (30) days, the parties are more confident that Mr. Turnbull's deposition can be completed by the expiration of the discovery period.
5. At this time, the parties have rescheduled Mr. Turnbull's deposition for Thursday April 16<sup>th</sup> in Santa Fe, New Mexico.

**WHEREFORE** to accomplish the discovery tasks outlined above, the parties jointly request that the discovery deadline of April 6, 2015, as set forth at p. 1 in the Court's order (Document 3030) be extended by thirty (30) days to May 6, 2015. Likewise, the parties jointly request that all remaining deadlines described in the Court's scheduling order be similarly extended by approximately thirty days as set out in the accompanying proposed order.

Respectfully submitted this 1<sup>st</sup> day of April 2015.

/s/ Andrew "Guss" Guarino

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**CERTIFICATE OF SERVICE**

On April 1, 2015, I served the foregoing Second Joint Motion to Modify Scheduling Order Deadlines electronically through the Court's CM/ECF system.

/s/ Andrew "Guss" Guarino