

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,

-vs-

No. 01cv00072-MV-WPL
Subfile No. ZRB-2-0098

A & R Productions, et al.,

Defendants.

UNOPPOSED MOTION FOR EXTENSION OF PAGE-LIMIT ON THE UNITED STATES'
ANTICIPATED BRIEF

Plaintiff United States of America ("United States") moves this Court to permit the United States to submit a single brief that responds to subfile Defendants' *Motion for Partial Summary Judgment* (Doc. 3059) and *Memorandum in Support of Motion for Summary Judgment* (Doc. 3059-1) and presents the United States' Cross-Motion for Summary Judgment. The United States anticipates that its anticipated single brief will be no longer than 45 pages.

Counsel for the United States has conferred with counsel for Plaintiff the State of New Mexico and counsel for subfile Defendants and the parties do not oppose this motion.

As grounds, the United States states the following:

1. Pursuant to the Court's the *Order Granting Third Joint Motion to Modify Scheduling Order Deadlines* (Doc. 3056), the United States must respond to subfile Defendants' *Motion for Partial Summary Judgment* (Doc. 3059) and *Memorandum in Support of Motion for Summary Judgment* (Doc. 3059-1) and must present any cross-motion for summary judgment on Tuesday, August 18,

2015.

2. Given the overlapping facts and legal issues associated with subfile Defendants' Motion and the United States' anticipated cross-motion for summary judgment, the United States is in the process of preparing a single memorandum that both responds to subfile Defendant's Motion and clearly presents the United States' Cross-Motion for Summary Judgment.
3. The United States anticipated that its single brief will be no longer than forty-five (45) pages long.
4. The Local Rules of Civil Procedure for the Court specify that a motion and supporting brief should be no longer than twenty-seven (27) pages long and a response should be no longer than twenty-four (24) pages long. D.N.M.LR.-Civ. 7.5.
5. The United States anticipated single brief will be much shorter than the 52 page limit that might otherwise apply to two briefs and presents the United States argument (in response to subfile Defendants' Motion and on cross-motion) concisely and without unnecessary repetition.

WHEREFORE the United States request that the Court permit the United States to file a single brief of no more that forty-five 45 double-spaced pages that both responds to subfile Defendants Motion for Summary Judgment and presents the United States' Cross-Motion for Summary Judgment.

Respectfully submitted this 12th day of August, 2015

/s/ Andrew "Guss" Guarino
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COUNSEL FOR THE UNITED STATES

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 13, 2015, I served the foregoing UNOPPOSED MOTION FOR EXTENSION OF PAGE-LIMIT ON THE UNITED STATES' ANTICIPATED BRIEF on all parties and counsel served by the Courts' digital filing and service system.

/s/ Andrew "Guss" Guarino