

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

MOTION FOR LEAVE TO FILE OUT-OF-TIME  
REPLY AND RESPONSE TO CROSS MOTION  
FOR SUMMARY JUDGMENT (Doc. 3076)

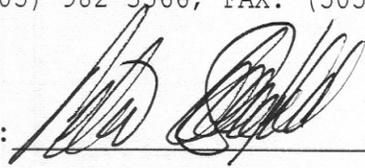
Defendants JAY Land Ltd. Co and Yates Ranch Property LLP move for leave under F.R.Civ. P. 6(b)(1)(B) to file an out-of time reply/response to the United States' Response to Defendants' motion for partial summary judgment and Cross-Motion for Summary Judgment (Doc. 3076).

As grounds they would show the Court that undersigned counsel inadvertently mistyped the due date for the Reply/Response as September 12 rather than September 2, 2015, on his calendar. A print-out of the calendar entry is attached hereto as Exhibit 1. Counsel would show that there is no danger

of prejudice to the United States if the out-of-time filing is allowed, since counsel for these Defendants has never declined to agree to any extension of time sought by the Plaintiffs, and will not now do so if additional time is required by Plaintiffs on account of the granting of this motion. The delay of 10 days in replying and responding to Plaintiff's Document No. 3076 is small, particularly in light of the age of this case. In these circumstances constitute excusable neglect to have timely filed. The United States takes no position respecting this motion.

WHEREFORE, Movants respectfully request that they have until September 14, 2015, to file their Reply and Response.

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By:   
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Attorney for Movants

CERTIFICATE OF SERVICE

On this September 10, 2015, I served a copy of the foregoing on all counsel and parties served by the Court's digital filing and service system.

  
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