

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

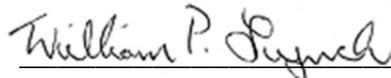
ORDER GRANTING DEFENDANTS' MOTION
FOR LEAVE TO FILE OUT-OF-TIME
REPLY AND RESPONSE TO CROSS MOTION
FOR SUMMARY JUDGMENT (Doc. 3090)

Defendants JAY Land Ltd. Co and Yates Ranch Property LLP having moved 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), and the United States having taken no position with respect to the motion,

THE COURT FINDS that counsel for these subfile Defendants inadvertently mistyped the due date for the Reply/Response as

September 12 rather than September 2, 2015, on his calendar. Because there is no danger of prejudice to the United States if the out-of-time filing is allowed, and because counsel for these Defendants has committed to agree to any extension of time sought by the United States for any reply as required by the United States 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. Counsel's calendaring error constitutes excusable neglect to have timely filed.

The motion is therefore GRANTED, and these Defendants shall have until September 14, 2015, to file their Reply and Response. Plaintiffs shall have until September 30, 2015 to file their Reply.



William P. Lynch
United States Magistrate Judge

Submitted:

Attorney for Movants

Approved as to form:

/S/Andrew Guss Guarino

/S/Edward C. Bagley
Attorneys for Plaintiffs