

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA)	
and)	No. 01cv00072-MV-WPL
STATE OF NEW MEXICO, ex rel. STATE)	
ENGINEER,)	ZUNI RIVER BASIN
Plaintiffs,)	ADJUDICATION
v.)	
)	Subfile Nos. ZRB-4-0064
A & R PRODUCTIONS, et al.)	ZRB-5-0009
Defendants.)	
_____)	

JOINT MOTION TO SET PRE-TRIAL CONFERENCE

Pursuant to Rule 16(a), Fed. R. Civ. P., Plaintiffs, the United States of America and the State of New Mexico *ex rel.* State Engineer, request that this Court schedule a pre-trial conference in the near future to expedite resolution of these sub-file actions. The paragraphs below are provided in support of this motion.

Pursuant to Local Rule 7.1 for the District of New Mexico, undersigned counsel for the United States attempted to contact by phone Defendants Joseph and Billie Bond on September 28, 2015 to confer concerning this motion; however, Defendants have not responded to undersigned counsel’s attempted phone contact. Defendants do not have an e-mail address that Plaintiffs are aware.

- 1) On July 24, 2015, Plaintiffs filed notices that the consultation period has ended for these subfile actions. Doc. Nos. 3066 and 3067. Defendants filed timely subfile answers for

both subfiles and asserted water right claims larger than those to which Plaintiffs are willing to recognize. Doc Nos. 3072 and 3073.

- 2) The parties must now prepare and provide a Case Management Order by which these subfile actions can be resolved through litigation in a timely manner.
- 3) Prior to any Pre-Trial Conference scheduled by the Court, the parties shall confer and prepare a Case Management Order for the Court's signature. The United States shall file the proposed Case Management Order seven (7) days prior to any Pre-Trial Conference.
- 4) The parties propose that the Court hold a pre-trial conference to address any dispute that might exist between the parties concerning the proposed order. In the event that no dispute exists between the parties concerning the proposed Case Management Order, the parties will jointly request that the Court vacate any scheduled pretrial conference and will simply follow the Case Management Order once issued.

WHEREFORE, pursuant to Fed. R. Civ. P. Rule 16(a), the Plaintiffs request that the Court schedule a Pre-Trial Conference in the near future.

Dated October 5, 2015

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ATTORNEYS FOR THE STATE OF
NEW MEXICO

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 5, 2015, I filed the foregoing electronically through the CM/ECF system, which caused the parties or counsel reflected on the Notice of Electronic Filing to be served by electronic means.

AND I FURTHER CERTIFY that on such date I served the foregoing on the following non-CM/ECF Participants in the manner indicated:

Via U.S. Mail, Postage Pre-paid:

Joseph Dean Bond
Billie Ethna Bond
PO Box 802
Ramah, NM 87321

/s/ Andrew "Guss" Guarino