UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

Before the Honorable William P. Lynch, United States Magistrate Judge

Clerk's Minutes

Case:	Zuni River Basin Adjudication
Case No.:	1cv72 Subfile ZRB-2-0038 (Fredrickson) MV/WPL
Date:	February 16, 2016
Location:	Telephonic (Liberty)
Attorney for Plaintiff:	Guss Guarino (USA) and Ed Bagley (NM)
Attorney for Defendants:	Craig Fredrickson and Regina Fredrickson (pro se)
Clerk:	mej
Type of Proceeding:	Initial Scheduling Conference

Proceedings Commenced:	9:37 a.m.
Court in Recess:	9:53 a.m.
Total Time:	**16 minutes**

Proceedings: The Court clarified that the remaining dispute in the case is over the livestock use component of the well. In terms of discovery, the parties disagreed on the appropriate length of discovery, the number of interrogatories, and the number of requests for admission.

Mr. Fredrickson asked for clarification about expert witness reports. The Court explained that all expert witnesses – whether they are being paid or not – must prepare an appropriate report under FRCP 26(a)(2)(B). Mr. Fredrickson, personally, will also appear as an expert and will prepare an expert report.

The Court advised the Fredricksons that they are allowed to proceed pro se, but may also consider retaining an attorney.

With regard to the discovery procedures in dispute, the United States noted that this subfile is similar to other subfile adjudications and that the burden of establishing a water right is on

the claimant. The State of New Mexico agreed that lengthy discovery is not appropriate in this case.

Mr. Fredrickson discussed the proposed term of 120-days and the impact of proposed expert disclosure deadlines. Notably that the Fredricksons would have only fifteen days left in the discovery period after the Plaintiffs disclose their expert reports. Fifteen days is insufficient.

Discovery deadlines will be set in accordance with a forthcoming order. The court approved a 150-day track for discovery and will allow each side 50 requests for admission.