

**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 No. ZRB-2-0038
A & R PRODUCTIONS, et al.)	
Defendants.)	
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UNOPPOSED MOTION TO MODIFY SCHEDULING ORDER

The United States of America, with the concurrence of the State of New Mexico and with no opposition from subfile Defendants Craig and Regina Fredrickson (“Defendants”), moves this Court to modify the Scheduling Order associated with this subfile action. With good cause, the parties have agreed on a modification of the Scheduling Order by which Defendants may submit a revised expert report and Plaintiffs may submit a responsive expert report.

With modification of the Scheduling Order as requested below, the United States withdraws its *Expedited Motion to Modify Scheduling Order* (Doc. 3273).

The paragraphs below are provided in support of this motion.

1. Previously, Defendants provided Plaintiffs a document titled *Expert Witness Report of Craig L. Fredrickson Pursuant to Federal Rule of Civil Procedure 26(a)(2)(B) Case No. 01 CV 00072 MV/WPL Subfile ZRB-2-0038* (“Mr. Fredrickson’s Report”). The Parties have agreed that Defendants may have the opportunity to incorporate information developed in discovery into Mr. Fredrickson’s Report.

2. The Parties have agreed that Plaintiffs should not have to produce their responsive expert report(s) until after Defendants have provided Plaintiffs with their final expert report.
3. Defendants have agreed that they will provide Plaintiffs with an update/revision to Mr. Fredrickson's Report 10 days after the following:
 - a. Plaintiffs provide Defendants with the hand-marked exhibits from Mr. Tom Cox's deposition; and
 - b. Plaintiffs provide Defendants with responses to discovery requests currently outstanding.
4. Plaintiffs have agreed that they will provide the hand-marked exhibits from Mr. Tom Cox's deposition as soon as they are available. Plaintiffs will also provide Defendants with responses to discovery requests currently outstanding in the next 10 days.
5. Plaintiffs have agreed that they will provide Defendants with any report in response to Mr. Fredrickson's updated/revised report 10 days after receiving the updated/revised report.

Wherefore, the United States asks this Court to modify the Scheduling Order as follows:

- A. Within 10 days from the day that Defendants receive the hand-marked exhibits from Mr. Tom Cox's deposition and Plaintiffs' responses to discovery requests currently outstanding, Defendants must submit to Plaintiffs their final revision to Mr. Fredrickson's Report; and
- B. Within 10 days from the day that Defendants submit to Plaintiffs their final revision to Mr. Fredrickson's Report, Plaintiffs shall submit to Defendants any response/rebuttal report to Mr. Fredrickson's final report.

Dated: June 2, 2016

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 2, 2016, 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. Also, this motion was served on the following:

Regina and Craig Fredrickson
2742 Veranda Rd. NW
Albuquerque, NM 87107

/s/ Andrew "Guss" Guarino