

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.	)	
	)	<b>Subfile No. ZRB-2-0038</b>
A & R PRODUCTIONS, et al.	)	
Defendants.	)	
_____	)	

**NOTICE OF BRIEFING COMPLETE RE: JOINT MOTION FOR CROSS-MOTION FOR SUMMARY JUDGMENT AND MOTION TO EXCLUDE EXPERT TESTIMONY**

Pursuant to D.N.M.LR-Civ. 7.4(e), the Plaintiff United States of America hereby certifies that the motions listed below are ready for decision. The documents listed below are those associated with each motion.

**1. Motion to Exclude**

- a. *Motion to Exclude Expert Opinion Testimony* (ECF No. 3316);
- b. *Defendants’ Response to Plaintiffs’ Corrected Joint Cross-Motion for Summary Judgment and Motion to Exclude Expert Opinion Testimony* (ECF No. 3320); and
- c. *Joint Reply on Plaintiffs’ Cross-Motion for Summary Judgment and on the United States’ Motion to Exclude Expert Opinion Testimony* (ECF No. 3327).<sup>1</sup>

<sup>1</sup> Defendants have filed *Defendants’ Motion to Strike Plaintiffs’ Untimely Reply Brief* (ECF No. 3328) in which they seek to strike that portion of the *Joint Reply on Plaintiffs’ Cross-Motion for Summary Judgment and on the United States’ Motion to Exclude Expert Opinion Testimony*

**2. Cross-Motion for Summary Judgment**

- a. *Joint Cross-Motion for Summary Judgment on the Disputed Water Right Claim and Response to Defendants' Motion for Summary Judgment* (ECF No. 3317-1);
- b. *Defendants' Response to Plaintiffs' Corrected Joint Cross-Motion for Summary Judgment and Motion to Exclude Expert Opinion Testimony* (ECF No. 3320); and
- c. *Joint Reply on Plaintiffs' Cross-Motion for Summary Judgment and on the United States' Motion to Exclude Expert Opinion Testimony* (ECF No. 3327).<sup>2</sup>

Dated: October 20, 2016.

Electronically Filed

/s/ Andrew "Guss" Guarino  
Andrew "Guss" Guarino  
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(ECF No. 3327) that pertains to the *Motion to Exclude Expert Opinion Testimony* (ECF No. 3316). Plaintiffs have filed their *Joint Response to Motion to Strike* simultaneously with this Notice.

<sup>2</sup> *Defendants' Motion to Strike Plaintiffs' Untimely Reply Brief* (ECF No. 3328) does not challenge the *Joint Reply on Plaintiffs' Cross-Motion for Summary Judgment and on the United States' Motion to Exclude Expert Opinion Testimony* (ECF No. 3327) as it pertains to the *Joint Cross-Motion for Summary Judgment on the Disputed Water Right Claim and Response to Defendants' Motion for Summary Judgment* (ECF 3317-1).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 20, 2016, I filed the foregoing electronically through the CM/ECF system, which caused CM/ECF participants to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ Andrew "Guss" Guarino  
Andrew "Guss" Guarino