

**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,	)
	)
v.	)
	)
A & R PRODUCTIONS, et al.	)
	)
Defendants.	)
_____	)

No. 01cv00072-MV-WPL

ZUNI RIVER BASIN  
ADJUDICATION

**Subfile No. ZRB-4-0203**

**ORDER SETTING SETTLEMENT CONFERENCE**

To facilitate a final disposition of this case, a mandatory settlement conference will be conducted in accordance with Federal Rule of Civil Procedure 16(a)(5). The conference will be held on **April 20, 2017, at 1:00 p.m.** in the **Hondo Courtroom of the Pete V. Domenici United States Courthouse, 333 Lomas Blvd. N.W., Albuquerque, New Mexico.**

The parties or a designated representative, other than counsel of record, with full authority to make a final settlement decision, must attend in person. Counsel who will try the case must attend in person. All attorneys and parties involved in the settlement conference must

treat as confidential the information discussed, positions taken, and offers made by other participants in preparation for and during the conference.<sup>1</sup>

No later than **April 11, 2017**, defense counsel shall serve on plaintiffs' counsel a letter that sets forth at least the following information: (a) a brief summary of the evidence and legal principles that defendant asserts will allow it to establish entitlement to water rights; (b) a brief explanation of why water rights would appropriately be granted at trial; (c) an itemization of the principles supporting those water rights; and (d) a settlement demand. No later than **April 13**, plaintiffs' counsel shall serve on defense counsel a letter that sets forth at least the following information: (a) any points in defendant's letter with which the plaintiffs agree; (b) any points in defendant's letter with which the plaintiffs disagree, with references to supporting evidence and legal principles; and (c) a settlement offer. Counsel will ensure that each party reads the opposing party's letter before the settlement conference.

Counsel for the United States shall provide copies of these letters to my chambers no later than **April 14, 2017, at 5:00 p.m.** Each party must provide me, in confidence, a concise letter that shall contain an analysis of the strengths and weaknesses of its case by **April 14, 2017, at 5:00 p.m.** These letters may be sent to me by facsimile transmission at **505-348-2305** or by email at **wplproposedtext@nmcourt.fed.us**.

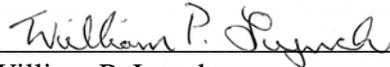
Furthermore, if any party has in its possession any video or audio recordings of the incident upon which this action is based, that party must send me a copy of the recording by **April 13, 2017**.

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<sup>1</sup> This does not prohibit disclosures stipulated to by the parties, necessary in proceedings to determine the existence of a binding settlement agreement, or as otherwise required by law.

The settlement conference may not be vacated or rescheduled except upon motion by the party or parties seeking to reschedule for good cause shown. Any motion to vacate or reschedule the settlement conference shall provide the Court with sufficient notice to ensure that other matters may be scheduled in the time allotted for the settlement conference.

IT IS SO ORDERED.

  
\_\_\_\_\_  
William P. Lynch  
United States Magistrate Judge