

ELEVENTH JUDICIAL DISTRICT
COUNTY OF SAN JUAN
STATE OF NEW MEXICO

DISTRICT COURT
SAN JUAN COUNTY NM
FILED
2012 NOV 13 PM 3:23

STATE OF NEW MEXICO ex rel.
State Engineer,
Plaintiff,

v.
UNITED STATES OF AMERICA, et al.,
Defendants.

v.
THE JICARILLA APACHE TRIBE and the
NAVAJO NATION,
Defendant-Intervenors.

No. CV 75-184
SAN JUAN RIVER
ADJUDICATION SUIT

Claims of the Navajo Nation
Case No.: AB-07-1

**GARY L. HORNER'S SUPPLEMENTAL RESPONSE TO THE UNITED STATES'
DISCOVERY REQUESTS REGARDING WITNESSES**

SUMMARY

1. Name of party filing the present document: **Gary L. Horner**
2. Title of the present document: **GARY L. HORNER'S SUPPLEMENTAL RESPONSE TO THE UNITED STATES' DISCOVERY REQUESTS REGARDING WITNESSES**
3. Descriptive summary of the relief sought: **This document represents Mr. Horner's supplemental response to the United States Discovery Requests regarding witnesses.**
- 4: Number of pages of the present document: **4**

COMES NOW Gary L. Horner, Esq., *In Propria Persona* (hereinafter referred to in the first person), pursuant to the Court's verbal order, announced at the November 6, 2012 Discovery Conference, that the Non-Settling Parties must respond to the Settling Parties' discovery requests regarding lists of witnesses for trial: that can currently be identified, within one week (by November 13, 2012); with a continuing obligation to supplement such lists; and no later than December 14, 2012. Such information was requested of me pursuant to the UNITED STATES'

*Horner's Supplemental
Response re Witnesses*

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DISCOVERY REQUESTS OF GARY L. HORNER, which were propounded upon me by the United States ("U.S.") on October 5, 2012 - specifically, Interrogatory No. 14.

Accordingly, I submit the following information:

Interrogatories

* * *

Interrogatory No. 14: Pursuant to Rule 30(B)(6), designate one or more persons who may be deposed or testify regarding the substance of your response to RFA Nos. 1 - 8, Interrogatories Nos. 1 - 13, and RFP Nos. 1 - 12. If more than one person is identified, describe with reasonable particularity those matters to which each person is capable of testifying.


ANSWER: I may need to testify as a witness at the trial of this matter. The necessity of so testifying, and the substance of such testimony, is not yet clear. Further, I designate myself as the person who may be deposed or testify regarding the substance of the subject discovery requests. That is:

Gary L. Horner
Post Office Box 2497
Farmington, New Mexico 87499
(505) 326-2378

Otherwise, I reserve the right to call, examine, cross-examine, or depose: any other person identified as a potential witness by any other party to this proceeding; or any person necessary to establish the foundation or authenticity of any document produced by, or in the possession, custody or control of, any other party to this proceeding.

I reserve the right to supplement these responses in the future as necessary.

Respectfully, submitted by:


GARY E. HORNER, Esq.,

In Propria Persona
Post Office Box 2497
Farmington, New Mexico 87499
(505) 326-2378

November 13, 2012


Date

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was emailed and mailed by first-class postage, or delivered, to the following individuals this 13th day of November, 2012:

Attorney for the U.S. Department of Justice

Andrew J. "Guss" Guarino, Esq.
Environment & Natural Resources Div.
999 18th Street, South Terrace, #370
Denver, Colorado 80202
(303) 844-1343 (Office)
(303) 229-7256 (Cell)
(303) 844-1350 (Fax)
guss.guarino@usdoj.gov


GARY L. HORNER, Esq.

PROOF OF SERVICE BY ELECTRONIC TRANSMISSION

I HEREBY CERTIFY - in accordance with the ORDER MANDATING ALTERNATIVE METHOD FOR SERVICE OF ORDERS, MOTIONS, NOTICES AND OTHER COURT PAPERS, entered in the present matter on September 28, 2011 by the Honorable James Wechsler, Presiding Judge - that a true copy of the foregoing was served on the parties and Claimants in the present matter, by attaching a copy of said document to an email sent to the following email list server(s) maintained by the Court, this 13th day of November:

wrvajointerse@nmcourts.gov

Further, in accordance with the Court's February 3, 2012 ORDER (1) GRANTING
SETTLING PARTIES' MOTION TO EXTEND CERTAIN DEADLINES AND (2) SETTING
SCHEDULE GOVERNING DISCOVERY AND REMAINING PROCEDURES, ¶2(a)(i), p. 2,
that a true copy of the foregoing was emailed to the Discovery Document E-Repository regarding
the water rights claims of the Navajo Nation, c/o Darcy Bushnell, the Stell Water Ombudsman
Program of the Utton Center at the University of New Mexico School of Law, this 13th day
of November, 2012, at:

bushnell@law.unm.edu



GARY L. HORNER