

DISTRICT COURT  
SAN JUAN COUNTY NM  
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STATE OF NEW MEXICO  
COUNTY OF SAN JUAN  
ELEVENTH JUDICIAL DISTRICT COURT

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

Plaintiff,

vs.

D-1116- CV 75-184  
Hon. James J. Wechsler

UNITED STATES OF AMERICA, *et al.*,

Defendants.

AB-07-1  
Claims of the Navajo  
Nation

JICARILLA APACHE TRIBE and the  
NAVAJO NATION,  
Defendant-Intervenor.

**CORRECTED ORDER SUMMARIZING DISCOVERY ACTIVITIES DISCUSSED  
AT THE NOVEMBER 6, 2012 DISCOVERY CONFERENCE**

After full discussion of the current activities and issues related to discovery at the discovery conference held November 6, 2012, the Court hereby ORDERS the following:

1. No later than Friday, November 9, 2012, the Settling Parties shall identify their expert witnesses.
2. No later than Tuesday, November 13, 2012, the Non-Settling Parties shall identify their expert witnesses under a continuing obligation to complete identification by December 14, 2012.
3. Procedure for notifying the Court of discovery disputes: when parties encounter a discovery dispute that they cannot resolve, they shall (1) file a notice with the Court that is served upon the existing Court distribution list, and (2) send an email message including the notice to the current participants in the case. The notice shall contain a brief statement of the nature of the dispute, whether an immediate telephonic hearing is necessary along with proposed alternative available dates and times; and, if an

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immediate telephonic hearing is not necessary, whether the parties require a hearing by the Court.

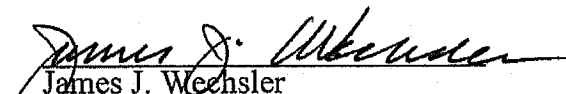
4. Procedure for notifying the Court of disputes that arise during a deposition: parties who must immediately contact the Court regarding a dispute that arises during a deposition shall:
  - a. Contact Loressa Bachert, Court clerk, at 505-334-7805
  - b. If unable to reach the Court clerk, contact Celina Jones, court staff attorney, at 505-470-3214.
5. The Court will enter a third Amended Scheduling Order that (1) reflects that by November 2, 2012 the Settling Parties may submit additional discovery requests to Non-Settling Parties who filed either objections to the Proposed Decrees or initial disclosures after September 21, 2012, but no later than October 25, 2012; and (2) includes a deadline of March 15, 2013 for Non-Settling Parties to file dispositive motions.
6. The Court hereby amends the Order Mandating Alternative Method of Service for Orders, Motions, Notices, and Other Court Papers, filed September 28, 2011, to specify that the time period for responding to motions, notices, or other court papers filed after the date of this order shall be triggered by electronic service of the court paper rather than by the Bi-Weekly Report and shall otherwise conform to the Rules of Civil Procedure. Service of all pleadings and other court papers shall continue to be made electronically through the Court's electronic distribution list.
7. After consultation, the parties shall inform the Court by November 14, 2012 of a proposed description of the process for both serving and website posting of discovery documents.
8. When serving pleadings and other papers, parties shall (1) send the papers to the

Court's electronic service list at [wrnavajointerse@nmcourts.gov](mailto:wrnavajointerse@nmcourts.gov) , and (2) send a second electronic mail message including the paper to the following parties:

B-Square Ranch	Richard Tully	tullylawfirm@qwestoffice.net
State of New Mexico	John Utton	jwu@sheehanheehan.com
State of New Mexico	Arianne Singer	arianne.singer@state.nm.us
United States	Andrew J. "Guss" Guarino	guss.guarino@usdoj.gov
United States	David W. Gehlert	David.Gehlert@usdoj.gov
Navajo Nation	Stanley Pollack	smpollack@nndoj.org
Navajo Nation	Kathryn Hoover	khoover@nndoj.org
Navajo Nation	Samuel Gollis	sgollis@hotmail.com
Community Ditch Defendants	Victor R. Marshall	victor@vrmarshall.com
Cities of Aztec and Bloomfield	Richard Cole	rbc@keleher-law.com
Cities of Aztec and Bloomfield	Cassandra Malone	crm@keleher-law.com
Cities of Aztec and Bloomfield	Justin Breen	jbb@ keleher-law.com
El Paso Natural Gas and ConocoPhillips	Adam Rankin	agrarkin@hollandhart.com
El Paso Natural Gas and ConocoPhillips	Mark Sheridan	msheridan@hollandhart.com
City of Gallup	James Brockman	jcbrockmann@newmexicowaterlaw.com
City of Espanola and ABCWUA	Seth Fullerton	srfullerton@newmexicowaterlaw.com

City of Espanola and ABCWUA	Jay Stein	jfstein@newmexicowaterlaw.xom
San Juan Water Commission	Jolene McCaleb	jmccaleb@taylormccaleb.com
San Juan Water Commission	Elizabeth Taylor	etaylor@taylormccaleb.com
La Plata Acequia Association, et al	Gary Risley	gary@risleylaw.net
McCarty Trust	Priscilla Shannon	pshannonlaw@yahoo.com
Ute Mountain Ute Tribe	Celene Hawkins	chawkins@utemountain.org
Ute Mountain Ute Tribe	Lee Bergen	lbergen@nativeamericanlawyers.com
Ute Mountain Ute Tribe	Peter Ortego	portego@utemountain.org
Jicarilla Apache Nation	Herbert Becker	herb.becker@jaassociatesnm.com
Bloomfield Schools	Rebecca Dempsey	rdempsey@cuddymccarthy.com
BHP Navajo Coal Enterprise Field Services LLC	Maria O'Brien	mobrien@modrall.com
HMC Leasing	Kyle Harwood	kyle@harwood-consulting.com
Robert Oxford	Pro Se	bjoxford@yahoo.com
Gary Horner	Pro Se	ghorner@zianet.com

**IT IS SO ORDERED.**

  
James J. Wechsler  
Presiding Judge