

DISTRICT COURT  
SAN JUAN COUNTY NM  
FILED

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

STATE OF NEW MEXICO, <i>ex rel.</i> State Engineer,	)	
	)	CV-75-184
	)	
Plaintiff,	)	JAMES J. WECHSLER
	)	Presiding Judge
vs.	)	
	)	SAN JUAN RIVER
UNITED STATES OF AMERICA, <i>et al.</i> ,	)	ADJUDICATION
	)	
Defendants.	)	CLAIMS OF THE NAVAJO NATION
	)	Case No. AB-07-1
JICARILLA APACHE TRIBE,	)	
	)	
Defendant-Intervenor.	)	

**NAME OF PARTY:** BHP Navajo Coal Company, and Enterprise Field Services, LLC,

**DESCRIPTIVE SUMMARY:** Motion Requesting Permission to Appear Telephonically at the Court's November 28, 2012 Hearing on Non-Setting Parties Responses and Objections to Initial Discovery Requests, and Discovery Conference

**NUMBER OF PAGES:** 2

**DATE OF FILING:** July 13, 2012

**BHP NAVAJO COAL COMPANY, AND ENTERPRISE FIELD SERVICES, LLC'S  
MOTION REQUESTING PERMISSION TO APPEAR TELEPHONICALLY ON  
NOVEMBER 28, 2012 HEARING ON NON-SETTING PARTIES RESPONSES AND  
OBJECTIONS TO INITIAL DISCOVERY REQUESTS,  
AND DISCOVERY CONFERENCE**

COMES NOW, BHP Navajo Coal Company ("BNCC"); and Enterprise Field Services, LLC ("Enterprise"), and hereby requests the Court to grant permission for undersigned counsel to appear by telephone at the hearing on Non-Setting Parties Responses and Objections to Initial Discovery Requests, and Discovery Conference set for November 28, 2012, in Aztec, New Mexico. As grounds for this motion counsel states that none of the referenced entities have

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propounded any discovery requests or otherwise objected to, or filed any motions regarding discovery. However, BNCC, and Enterprise have desire to monitor the hearing. Also, due to other scheduled matters the undersigned counsel is unable to travel to Aztec for the hearing.

**WHEREFORE**, BNCC, and Enterprise respectfully requests that this Court allow BNCC, and Enterprise to appear telephonically at the hearing on November 28, 2012.

**MODRALL, SPERLING, ROEHL, HARRIS  
& SISK, P.A.**

By: 

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of BHP Navajo Coal Company, and Enterprise Field Services, LLC's Motion Requesting Permission to Appear Telephonically on November 28, 2012 for Hearing on Non-Setting Parties Responses and Objections to Initial Discovery Requests, and Discovery Conference were served on all parties via e-mail transmission by e-mailing to [wnavajointerse@nmcourts.gov](mailto:wnavajointerse@nmcourts.gov) on this 27<sup>th</sup> day of November, 2012.

  
Christina C. Sheehan