

STATE OF NEW MEXICO
COUNTY OF SAN JUAN
ELEVENTH JUDICIAL DISTRICT

DISTRICT COURT
SAN JUAN COUNTY NM
FILED

2013 JUN -5 AM 10: 56

STATE OF NEW MEXICO, *ex rel.*,
STATE ENGINEER,

Plaintiffs,

v.

THE UNITED STATES OF AMERICA et al.,

Defendants.

D-1116-CV-75-184
Honorable James J. Wechsler
Presiding Judge

San Juan River Adjudication

Cause No. AB-07-1
Claims of the Navajo Nation

DESCRIPTIVE SUMMARY: Defendants B Square Ranch, LLC et al.'s Proposed Schedule for Motions Hearing to be held June 11 and June 12, 2013

NAME OF PARTY: Defendants B Square Ranch, LLC et al.

NUMBER OF PAGES: 2 (Certificate of Service) and 4 (Proposed Schedule and Exhibit "A")

DATE OF FILING: June 5, 2013 by electronic service and with Court Clerk.

DEFENDANTS B SQUARE RANCH, LLC ET AL.'s
PROPOSED SCHEDULE FOR MOTIONS HEARING
TO BE HELD ON JUNE 11, 2013 AND JUNE 12, 2013

Pursuant to the e-mail dated June 3, 2013 at 10:45 a.m. (MDT) issued by Celina Jones on behalf of the Court in the above-styled action, counsel for Settling Parties and Defendants were notified that the Court welcomed the input of such parties to propose a schedule for the presentation of arguments at the motions hearing scheduled for June 11, 2013 and June 12, 2013. Ms. Jones requested that such proposals be submitted by Tuesday, June 4, 2013 at 5:00 p.m.,

Counsel for Defendants B Square Ranch, LLC et al. prepared a proposed Schedule for discussion by certain Defendants' counsel and parties pro se, and sent this proposed Schedule by e-mail dated June 4, 2013 at 9:32 a.m. to such parties. See Exhibit 4 to Gary L. Horner's Proposal Re June 11-12, 2013 Hearing Procedure.

After receiving comments and suggestions from counsel for other Defendants, counsel for Defendants B Square Ranch, LLC et al. prepared a revised Schedule for discussion by the same Defendants' counsel and parties pro se, and sent this revised Schedule by e-mail dated June 4, 2013 at 2:24 p.m. to such parties.

After receiving comments and suggestions again from counsel for other Defendants, counsel for Defendants B Square Ranch, LLC et al. prepared another revised Schedule, and sent this Schedule to Celina Jones by e-mail dated June 4, 2013 at 4:20 p.m. This proposed Schedule was also sent to the parties who received the e-mail from Celina Jones dated June 3, 2013 at 10:45 a.m. A copy of this Schedule is attached hereto as Exhibit "A" and is incorporated herein by reference.

The Court now has three proposed Schedules (one from Stanley Pollack, Esq., attorney for Navajo Nation, one from Gary L. Horner, pro se, and the attached Exhibit "A") that provide input to the Court to allocate a fair and reasonable time to the parties to present arguments at the motions hearing on June 11, 2013 and June 12, 2013.

TULLY LAW FIRM, P.A.



Richard T. C. Tully, Esq.
Defendants B Square Ranch, LLC et al.
P. O. Box 268
Farmington, NM 87499-0268
e-mail: tullylawfirm@qwestoffice.net

PROPOSED SCHEDULE FOR MOTIONS HEARINGS ON
TUESDAY, JUNE 11 AND WEDNESDAY, JUNE 12, 2013

Introduction

Settling Parties' Motions in Support of Settlement Agreement and Proposed Decrees are basically "closing arguments" to be used at the conclusion of the evidentiary hearing.

Defendants' Motions for Partial Summary Judgments are motions to be heard before the evidentiary hearing.

Defendants' concur with Settling Parties' counsel that the following are the standards for the Court to consider and decide on the pending motions at the Motions Hearings:

1. The Settlement Agreement is the product of good faith and arms-length negotiations.
2. The Settlement Agreement's provisions and Proposed Decrees will reduce or eliminate impacts on junior water rights.
3. There is a reasonable basis to conclude the Settlement Agreement provides for less than the potential claims that could be secured at trial.
4. The Settlement Agreement is consistent with public policy and applicable law.

The Settling Parties have the burden of proof and burden of persuasion on the foregoing standards as set forth in the Court's previous orders.

The motions by Settling Parties and the motions by Defendants, and the respective responses thereto, cannot be heard on a specific time frame as the arguments on some motions will take a shorter time and arguments on other motions will take a longer time.

In addition, arguments on some motions will also involve more than one of the above four standards, and it will not be effective or efficient to argue on one of the standards at an early time and then come back later and argue on a different standard or standards.

Morning-June 11, 2013

First thirty (30) minutes-Introduction of counsel, housekeeping matters and brief opening statements by all counsel.

EXHIBIT "A" to Proposed Schedule for
June 11-12, 2013 Motions Hearing

Remainder of June 11, 2013 and June 12, 2013

Settling Parties and other proponents of the Settlement Agreement and Proposed Decrees are allocated a total of 6-1/2 hours to present their motions and respond to Defendants' motions. Counsel for Settling Parties to decide between themselves on the presentation of their motions and their responses to Defendants' motions in the most efficient and cogent manner.

Defendants are allocated a total of 6-1/2 hours to present their motions and respond to Settling Parties' motions. Counsel for Defendants to decide between themselves on the presentation of their motions and their responses to Settling Parties' motions in the most efficient and cogent manner.

Last thirty (30) minutes before the adjournment on June 23, 2013 will be used for a discussion of further actions to be taken as well as other matters the parties may wish to discuss with the Court.

Pending Motions

The following are the pending motions to be heard on June 11 and 12, 2013:

1. Motions for Partial Summary Judgments by Defendants Community Ditches
2. Motion for Partial Summary Judgment by Defendants B Square Ranch, LLC et al.
3. Motion for Partial Summary Judgment by Robert Oxford
4. Motions for Partial Summary Judgment by Gary Horner
5. Joinders to Defendants' Motions for Partial Summary Judgment by other Defendants
6. Motions in Support of Settlement Agreement and Proposed Decrees by Settling Parties
7. Joinders to Settling Parties' Motions in support of Settlement Agreement and Proposed Decrees by other proponents