

DISTRICT COURT  
SAN JUAN COUNTY NM  
FILED

2013 AUG 20 PM 3: 26

STATE OF NEW MEXICO  
COUNTY OF SAN JUAN  
ELEVENTH JUDICIAL DISTRICT

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 Motion to Comply with Rules Pertaining to Preparation and Entry of Orders and Judgments ("Motion to Comply with Rules")

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

NUMBER OF PAGES: 5 (Certificate of Service-1 and Motion to Comply with Rules-4)

DATE OF FILING: August 20, 2013 by electronic service and August 20, 2013 with Court Clerk.

**DEFENDANTS B SQUARE RANCH, LLC ET AL.'s**  
**MOTION TO COMPLY WITH RULES PERTAINING TO**  
**PREPARATION AND ENTRY OF ORDERS AND JUDGMENTS**

Defendants B Square Ranch, LLC et al. move the Court to comply with Rule 1-058 NMRA 2013, "Orders and judgments; preparation and entry", and LR11-103, "Submission of orders and judgments, briefs and findings", and in support of such Motion state as follows:

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## Introduction

The Court entered an Order Granting the Settlement Motion for Entry of Partial Final Decrees Describing the Water Rights of the Navajo Nation ("Order") in the above-styled action on August 16, 2013.

Paragraph 4 of the Order on page 65 states as follows:

'... 4. Within five days of the entry of this Order, the Settling Parties shall submit a copy of the Partial Final Judgment and Decree of the Water Rights of the Navajo Nation and the Supplemental Partial Final Judgment and Decree of the Water Rights of the Navajo Nation in final format for entry by the Court.'

## Rule 1-058 NMRA 2013

Rule 1-058 NMRA 2013, "Orders and judgments; preparation and entry", states in relevant part as follows:

**"A. Preparation of orders and judgments.** Upon announcement of the court's decision in any matter the court shall:

"(1) allow counsel a reasonable time, fixed by the court, within which to submit the requested form of order or judgment;

"(2) designate the counsel who shall be responsible for preparation of the order or judgment and fix the time within which it is to be submitted;

...

**"C. Examination by counsel.** In all events, before the court signs any order or judgment, counsel shall be afforded a reasonable opportunity to examine the same and make suggestions or objections."

The Court entered the Order on August 16, 2013 that provided only five days from August 16, 2013 (or August 21, 2013) for counsel for the Settling Parties to submit a copy of the Partial Final Judgment and Decree of the Water Rights of the Navajo Nation and the Supplemental Partial Final Judgment and Decree of the Water Rights of the Navajo Nation ("Proposed Judgments and Decrees") in final format for entry by the Court.

The Order does not allow a reasonable time for counsel for the Settling Parties to prepare and submit to the Court copies of the Proposed Partial Judgments and Decrees. Further, the Order does not allow a reasonable time for all counsel and parties appearing pro se to examine the Proposed Judgments and Decrees and make suggestions or objections thereto.

LR11-103

LR11-103, "Submission of orders, judgments, briefs and findings", states in relevant part as follows:

"A. All proposed orders, decrees and judgments will be submitted to the judge assigned the case... .

"B. Orders, judgments, decrees ... will be submitted to the court not later than fourteen (14) days following the announcement by the court of its decision, mailing time included. ...

"C. Orders, decrees and judgments shall not be submitted to the court for signature unless they have been initialed by all attorneys of record or unless the attorney submitting same certifies to the court that opposing counsel has, after five (5) days of receiving the order, decree, or judgment, failed or refused to initial same."

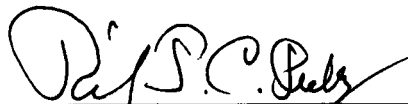
The Order entered August 16, 2013 does not provide 14 days for counsel for Settling Parties to submit to opposing counsel and parties appearing pro se copies of the Proposed Judgments and Decrees to review and initial.

There is no compelling reason or current time deadline in the above-styled action for counsel for Settling Parties to not provide to opposing counsel and parties appearing pro se with copies of the Proposed Judgments and Decrees in compliance with Rule 1-058 and LR11-103. Compliance with these Rules will allow opposing counsel and parties appearing pro se the opportunity to review, make suggestions, make objections, or to initial the Proposed Judgments and Decrees.

Because of the short time frame in which counsel for Settling Parties has to comply with the Order, neither consent nor objection to this Motion to Comply with Rules was sought in advance from counsel for Settling Parties, counsel for opposing parties or parties appearing pro se.

WHEREFORE, Defendants B Square Ranch, LLC et al. pray for the entry of an appropriate order granting their Motion to Comply with Rules Pertaining to Preparation and Entry of Orders and Judgments, and for such other relief as the Court deems just and proper.

TULLY LAW FIRM, P.A.



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