

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

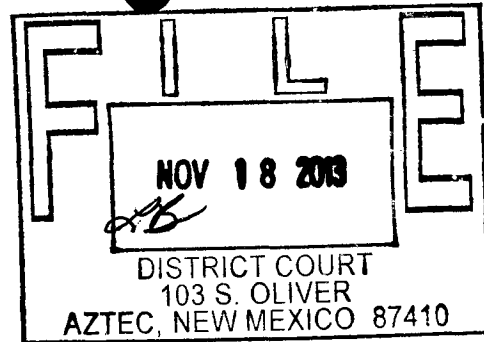
STATE OF NEW MEXICO, *ex rel.*  
THE STATE ENGINEER,

Plaintiff,

vs.

THE UNITED STATES OF AMERICA, *et al.*,

Defendants.



**AB-07-1**  
Claims of Navajo Nation

No. CV 75-184  
Honorable James J. Wechsler  
Presiding Judge

**DESCRIPTIVE SUMMARY:** Pursuant to Rule 1-059, the Community Ditch Defendant - Counterclaimants and the Defendants B Square Ranch, LLC et al. jointly move the court for a new trial.

**NUMBER OF PAGES:** 2

**DATE OF FILING:** November 18, 2013

**JOINT MOTION FOR NEW TRIAL**

Pursuant to Rule 1-059, the Community Ditch Defendant - Counterclaimants and the B Square Ranch, LLC et al. Defendants jointly move the court for a new trial. The court never held a trial in this case; it denied all the defendants any real opportunity to present live witnesses or cross examine the witnesses on the other side, and to present exhibits into evidence. The time allowed by the court for the hearings in June 2013 was so limited that it made it impossible for the defendants to call their witnesses while they presented the legal arguments demanded by the court. That limited hearing never addressed the majority of the objections raised by the non-settling parties. The court did not comply with the procedures and standards that are required for summary judgment proceedings. There are many

questions of fact which require a trial, but the court has refused to hear them.

Wherefore, the Community Ditch Defendants and the B Square Ranch Defendants jointly move the court for a trial.

Respectfully submitted,

VICTOR R. MARSHALL & ASSOCIATES, P.C.

By /s/ Victor R. Marshall

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CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2013, a true and correct copy of the foregoing was served on the parties and claimants by attaching a copy of said document to an email sent to the following list server: [wrvnavajointerse@nmcourts.gov](mailto:wrvnavajointerse@nmcourts.gov) and to the filing list referred to in the Notice of Amended Service List filed February 25, 2013.

/s/ Victor R. Marshall

Victor R. Marshall, Esq.