

STATE OF NEW MEXICO
COUNTY OF SAN JUAN
ELEVENTH JUDICIAL DISTRICT

DISTRICT COURT
SAN JUAN COUNTY NM
FILED
2013 NOV 26 PM 1:20

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 for Extension of Time to File Notice of Appeal ("Motion for Extension of Time")

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

NUMBER OF PAGES: 4 (Certificate of Service-1 and Motion for Extension of Time-3)

DATE OF FILING: November 26, 2013 by electronic service and November 26, 2013 with Court Clerk.

**DEFENDANTS B SQUARE RANCH, LLC ET AL.'S MOTION
FOR EXTENSION OF TIME TO FILE NOTICE OF APPEAL**

Pursuant to Rule 12-201 (E) NMRA 2013, "Other extensions of time for appeal", Defendants B Square Ranch, LLC et al. move the Court for an extension of time of 45 days to 60 days to file a Notice of Appeal in the above-styled action ("Motion for Extension of Time").

As grounds for this Motion, Defendants B Square Ranch, LLC et al. state as follows:

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Rule 12-201 (E)(1) NMRA 2013 states that a district court may extend the time for filing a notice of appeal by any party for a period not exceeding 30 days from the expiration of the time otherwise allowed by Rule 12-201 NMRA 2013. This motion must be made before the time for filing a notice of appeal has expired, and the motion must show good cause for the extension.

On November 18, 2013, Community Defendants-Counterclaimants and Defendants B Square Ranch, LLC et al. filed a Joint Motion for New Trial in the above-styled action under Rule 1-059 NMRA 2013.

For good cause, an extension of time needs to be granted for the Court to rule on the above-described Joint Motion for New Trial, appropriate answer briefs and appropriate reply briefs before the time for filing a notice of appeal has expired in the above-styled action.

Further, Veterans Day (November 11, 2013) and the upcoming Thanksgiving Holidays (November 28 and 29, 2013) have complicated the schedules of the several decision makers that comprise Defendants B Square Ranch, LLC et al. and counsel for Defendants B Square Ranch, LLC et al. The complicated and sometimes contradictory schedules for the decision makers of Defendants B Square Ranch, LLC et al. and counsel for such Defendants to meet and make a decision on whether to file a Notice of Appeal is not an easy task. These decision makers and counsel will also need to meet in order to make a final decision on whether to file a Notice of Appeal if the above-described Joint Motion for New Trial is denied.

Rule 12-201 (E)(3) NMRA 2013 states that the Court retains jurisdiction to rule on this Motion for Extension of Time to File an Notice of Appeal regardless of whether an notice of appeal has been filed.

Counsel for Settling Parties have been contacted and Settling Party Navajo Nation objects to this Motion for Extension of Time to file a Notice of Appeal. The Settling Party State of New Mexico, Non-Settling Parties Gary Horner and the McCarty Trust do not oppose this Motion for Extension of Time. All other Settling and Non-Settling Parties were notified but did not consent nor object to this Motion for Extension of Time. The Community Defendants-Counterclaimants approve and join in this Motion for Extension of Time.

WHEREFORE, Defendants B Square Ranch, LLC et al. request the Court to enter an appropriate order granting an extension of time from 45 to 60 days from November 1, 2013 to file a Notice of Appeal in the above-styled action, and for such other relief as the Court deems proper.

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