

DC  
DISTRICT COURT  
SAN JUAN COUNTY NM  
FILED

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

2019 MAR -4 PM 4: 32

No. D-1116-CV-7500184

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

Hon. James L. Wechsler  
Judge Pro Tempore

v.

SAN JUAN RIVER  
ADJUDICATION

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

and

JICARILLA APACHE TRIBE and  
The NAVAJO NATION  
  
Defendant-Intervenors.

**ORDER DENYING MOTIONS TO QUASH**

**THIS MATTER** having come before the Court on the *Navajo Nation's Motion to Quash* filed February 4, 2018 and the *Navajo Nation's Motion to Quash Subpoena and Request for Expedited Consideration* filed February 5, 2018, and the Court having considered the motions and the *Reply Concerning Recusal and Response to Motions to Block Discovery* filed February 22, 2019 by Chris Velasquez, Linda Corwin, and San Juan Agricultural Water Users Association (the movants) and being advised in the premises, hereby finds that:

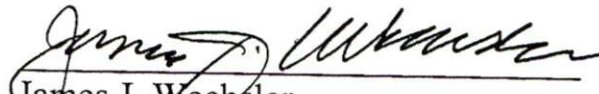
- (1) the *Fifth Amended Case Management Plan* filed September 22, 2008 provides that “[d]iscovery practices will be conducted by leave of the Court[,]” requiring leave of the Court to proceed with discovery; and

(2) the nature of the scheduled deposition of Robert Hilgendorf and the *First Discovery to Navajo Nation* filed January 23, 2019 is apparent from the substance of the *Request for Voluntary Recusal; or in the Alternative, Motion for Disqualification for Cause; and Motion for Revision of Orders Under Rule 1-054(B) [NMRA]* filed January 17, 2019.

It is therefore ordered that:

- (a) leave is granted for the movants to take the deposition of Robert Hilgendorf and to propound the first discovery to the Navajo Nation, subject to the Rules of Civil Procedure for the District Courts; and
- (b) the motions are hereby by denied.

**IT IS SO ORDERED.**

  
James J. Wechsler  
Judge Pro Tempore