

2019 FEB -5 PM 4: 25

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

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

v.

D-1116-CV-75-184

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

San Juan River Adjudication
Hon. James J. Wechsler, Presiding Judge

and

JICARILLA APACHE TRIBE and
The NAVAJO NATION,
Defendant-Intervenors.

Name of Party: The Navajo Nation

Descriptive Summary: The Navajo Nation files a motion to quash the *Subpoena Duces Tecum upon Robert Hilgendorf*. The Navajo Nation requests expedited consideration of this motion and the *Navajo Nation's Motion to Quash*.

Concurrence: The State of New Mexico and the United States concur in the Motion.

Number of Pages: 3

Date of Filing: Filed electronically on February 5, 2019

**NAVAJO NATION'S MOTION TO QUASH SUBPOENA
AND REQUEST FOR EXPEDITED CONSIDERATION**

The Navajo Nation files this motion to quash the *Subpoena Duces Tecum upon Robert Hilgendorf* issued by counsel for Chris Velasquez, Linda Corwin and San Juan Agricultural

Water Users Association (“Movants”).¹ As grounds for this motion, the Nation asserts that discovery in this adjudication may only be “conducted by leave of the Court.” *Fifth Amended Case Management Order*, Sep. 22, 2008, ¶ X.1. Movants have not sought leave of the Court to propound discovery. Accordingly, the Navajo Nation requests the Court to quash the *Subpoena Duces Tecum upon Robert Hilgendorf*.

Because the subpoena commands Mr. Hilgendorf to appear for a deposition on February 28, 2019, the Navajo Nation requests expedited consideration of this motion and the *Navajo Nation’s Motion to Quash*.²

Pursuant to Rule 1-007.1(C) NMRA, concurrence from counsel was sought. The State of New Mexico and the United States were the only parties to respond and concur in the motion.

Respectfully submitted this 5th day of February, 2019.

NAVAJO NATION DEPARTMENT OF JUSTICE



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¹ Movants purport to appear in a limited capacity only. *Special Limited Appearance of Counsel*, Jan. 23, 2019. If the Movants are not appearing as parties in this adjudication, counsel for Movants has no authority to issue a subpoena. See Rule 1-045(A)(3) NMRA (“... An attorney authorized to practice law in New Mexico and *who represents a party*, as an officer of the court, may also issue and sign a subpoena on behalf of the court.”) (emphasis added).

² The *Navajo Nation’s Motion to Quash* seeks similar relief against Movants with respect to discovery on the Navajo Nation.

CERTIFICATE OF FILING AND SERVICE

I certify that on this 5th day of February, 2019, an electronic version of this document was filed by electronic mail to: sicwaterfilings@nmcourts.gov and served by electronic mail to: sanjuanwater@nmcourts.gov

A handwritten signature in black ink, appearing to read "SM Pollack".

Stanley M. Pollack