

DISTRICT COURT
SAN JUAN COUNTY NM
FILED *JK*
2021 FEB 17 AM 8:31

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
Judge Pro Tempore

and

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

Descriptive Summary: The Navajo Nation files this *Motion to Quash Subpoena for Deposition of Michael Paul Gross*.

Number of Pages: 3

Date of Filing: Filed electronically on February 16, 2021.

MOTION TO QUASH SUBPOENA FOR DEPOSITION OF MICHAEL PAUL GROSS

The Navajo Nation moves to quash the Subpoena for Deposition of Michael Paul Gross proffered by counsel for Chris Velasquez, Linda Corwin and San Juan Agricultural Water Users Association (collectively “the Ditches”). On February 12, 2021, the Navajo Nation was served with *Notice of Service of Subpoena for Deposition of Michael Paul Gross*, for a deposition proposed for March 17, 2021. The Ditches seek discovery from Mr. Gross but have not sought leave of the Court to conduct said discovery, contrary to the *Fifth Amended Case Management Plan*, Sep. 22, 2008 at 9, ¶ IX (“Discovery practices will be conducted by leave of the Court”).

Counsel for the Ditches was previously admonished by the Court that discovery may only proceed in this case by leave of the Court. *Order Granting Motion for Protective Order*, Nov. 27, 2019, at 2, ¶3 (“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).

Accordingly, the Navajo Nation respectfully requests an order quashing the subpoena for the deposition of Michael Paul Gross.

Pursuant to Rule 1-007.1(C) NMRA, concurrence from counsel was sought. The State of New Mexico concurs in the motion. The Cities of Aztec, Bloomfield, and Farmington; the Jicarilla Apache Nation; and the United States do not oppose. San Juan County responded but takes no position on the motion. The Ditches did not respond.

Respectfully submitted this 16th day of February 2021.

NAVAJO NATION DEPARTMENT OF JUSTICE



Stanley M. Pollack, Contract Attorney
c/o Navajo Nation Department of Justice
Post Office Drawer 2010
Window Rock, Navajo Nation (AZ) 86515
(928) 871-7510

Attorneys for the Navajo Nation

CERTIFICATE OF FILING AND SERVICE

I certify that on this 16th day of February 2021, an electronic version of this document was filed by electronic mail to: sjewaterfilings@nmcourts.gov and served by electronic mail to: sanjuanwater@nmcourts.gov

Handwritten signature of Stanley M. Pollack in black ink.

Stanley M. Pollack