

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

No. D-1116-CV-7500184

STATE OF NEW MEXICO,
ex rel. STATE ENGINEER,

Hon. James J. Wechsler
Judge Pro Tempore

Plaintiff,

v.

SAN JUAN RIVER
ADJUDICATION

UNITED STATES OF AMERICA *et. al.*,

Defendants,

and

JICARILLA APACHE TRIBE and
The NAVAJO NATION

Defendant Intervenors.

DISTRICT COURT
SAN JUAN COUNTY NM
FILED
2021 AUG -6 PM 1:28

ORDER DENYING MOTION FOR DEPOSITION OF PETERSON ZAH

THIS MATTER having come before the Court on the motion for deposition of Peterson Zah, filed July 26, 2021 by Chris Velasquez, Linda Corwin, and San Juan Agricultural Water Users Association (Movants), and the Court having reviewed the motion, finds and concludes as follows:

(1) Movants request that the Court grant permission for Movants to take the deposition of Peterson Zah;

(2) Movants seek to take the deposition in connection with their request for voluntary recusal, or disqualification for cause, and revision of rulings under Rule 1-054(B), filed January 17, 2019;

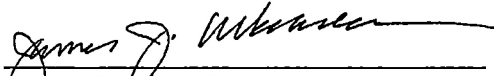
(3) Under the Court's Fifth Amended Case Management Plan, September 22, 2008, discovery is permitted in this adjudication only by leave of Court. After Movants' January 17, 2019 filing, the Court allowed Movants to engage in discovery for several months. It would have been proper for Movants to request to take the deposition of Peterson Zah during this time, and if Movants had so requested, the Court, in all likelihood, would have granted leave to take the deposition;

(4) On January 14, 2020, based on the parties' briefing after discovery, the Court issued an order denying Movants' request for voluntary recusal. Movants filed a motion to correct record, which the Court granted on February 27, 2020;

(5) Movants' motion requesting to take the deposition of Peterson Zah is not timely.

IT IS THEREFORE ordered that Movants' motion is denied.

IT IS SO ORDERED.



James J. Wechsler
Judge Pro Tempore