

<b>Description</b>	<p>AF-01-449, AF-01-450, AF-01-470 Kannard</p> <p>State of New Mexico County of San Juan In The District Court</p> <p>State of New Mexico, ex rel. The State Engineer Plaintiff,</p> <p>vs.</p> <p>The United States of America, et al. Defendants,</p> <p>vs.</p> <p>The Jicarilla Apache Tribe and the Navajo Nation Defendant-Intervenors,</p> <p>Judge: James J. Wechsler Type of Proceeding: Scheduling Conference For the Plaintiff: Gary Storm, OSE For the Defendants: Pro Se Monitor: Loressa Paris-Chesnut</p> <p>Legend:</p> <p>EX – Exhibit J – Judge M – Monitor W – Witness P – Plaintiff Def – Defendant D – Defendant Counsel</p>
<b>Date</b>	<p>2/17/2016 <b>Location</b> CourtRoom4</p>

Time	Spea	Note
10:33:56 AM	J	CALLS CASES
10:34:20 AM		HERE IN CONNECTION TO SUBFILES FOR KANNARD
10:34:41 AM	P	GARY STORM APPEARANCE
10:34:47 AM		KELLY NELSON APPEARANCE
10:34:52 AM		LUKE HENRY APPEARANCE
10:35:10 AM	J	VIDEO CONNECTION TO AZTEC DISTRICT AND I AM AT COA IN SANTA FE
10:35:38 AM	LOR ESSA	NO APPEARANCE IN AZTEC FOR DEFENDANTS
10:36:01 AM	J-P	HAS THERE BEEN APPROPRIATE NOTICE
10:36:10 AM	P	YES EMAILED NOTICE AND SENT BY SNAIL MAIL AS WELL
10:36:23 AM	J	HAVE YOU HEARD FROM MR KANNARD OR KNOW WHY HE IS NOT PRESENT
10:36:36 AM	P	HAVE NOT COMMUNICATED WITH MR KANNARD SINCE WE WERE DISCUSSING THE MOTION
10:36:52 AM	J	DO YOU HAVE ANY INFO ABOUT IF MR KANNARD INTENDS TO PROCEED
10:37:06 AM	P	BASED UPON MY CONVERSATION WITH HIM OR JUST TO GIVE YOU A SUMMARY OF WHERE THINGS HAVE BEEN GOING
10:37:22 AM		MET AT MEDIATION WITH DEFS AT MEDIATION THEY WERE GIVEN 30 DAY TO PROVIDE INFORMATION THAT WOULD SUPPORT THEIR CONTENTION THAT THE JACKSON DITCH HAS REFUSED TO DELIVER WATER TO THEIR LAND AND REASON THEY HAVE NOT PUT WATER TO BENEFICIAL USE IS BEYOND THEIR CONTROL
10:37:48 AM		IF AT END OF 30 DAYS THEY CAN NOT PROVIDE ANY SUFFICIENT PROOF LIKE WRITTEN STATEMENT FROM THE JACKSON DITCH OR COULD NOT GET ANYTHING THAT WOULD BE SUPPORTABLE IN THE COURT OF LAW
10:38:05 AM		I INFORMED MR KANNARD THAT ONLY OPTION IS TO GO THROUGH LITIGATION AND THEN WE WOULD NEED A SCHEDULE
10:38:43 AM	J-P	DO YOU HAVE A PROPOSED SCHEDULE
10:38:52 AM	P	DO NOT HAVE SPECIFIC DATES
10:39:04 AM		STATE ANTICIPATES FILING A MTN FOR SUMMARY JUDGMENT
10:39:15 AM	J-P	GIVE ME AN IDEA AS TO THE TIME THAT IS NEEDED
10:39:31 AM	P	(CONFERRING WITH OTHER COUNSEL)
10:39:48 AM		WE THINK WE CAN HAVE DISCOVERY AND DISPOSITIVE MOTIONS COMPLETED BY MIDDLE OF APRIL WITH A TRIAL SOME TIME IN MAY
10:40:12 AM	J-P	SO YOU ARE ANTICIPATING THAT DISPOSITIVE MTNS WILL BE FULLY SUBMITTED BY APRIL?
10:40:33 AM		LETS DO STEP BY STEP
10:40:37 AM		HOW LONG DO YOU THINK YOU NEED FOR DISCOVERY

10:40:47 AM	P-NELSON	WE DO NOT KNOW WHAT WITNESSES, THEY HAVE NOT IDENTIFIED ANY WITNESSES. WE NEED TO BE ABLE TO SCHEDULE THEIR DEPOSITIONS
10:41:08 AM	J	FIRST WE NEED A DATE FOR IDENTIFICATION OF WITNESSES AND EXHIBITS
10:41:20 AM		HOW LONG FROM STATES PERSPECTIVE HOW LONG TO IDENTIFY WITNESSES AND EXHIBITS
10:41:38 AM		I WOULD SAY BY 2ND WEEK IN MARCH
10:41:46 AM	J	COULD TELL ME TODAY THE WITNESSES THAT YOU INTEND TO CALL
10:41:57 AM	P	WE COULD TELL YOU WITNESSES BUT NOT EXHIBITS. WE ARE STILL LOOKING THROUGH OUR ARCHIVES TO IDENTIFY ADDITIONAL MAPS OR ANYTHING THAT WE COULD USE
10:42:07 AM	J	TALKING ABOUT WITNESSES AND EXHIBITS
10:42:16 AM		IF GOING TO PROCEED WITH DEPOSITIONS THEN THE KANNARDS SHOULD BE ENTITLED TO HAVE YOUR EXHIBITS FOR THE PURPOSES OF DEPOSITIONS
10:42:22 AM	P	I WOULD SAY BY END OF FEBRUARY
10:42:27 AM	J	ANY REASON TO BELIEVE KANNARDS WOULD NOT BE ABLE TO MEET THAT DEADLINE
10:42:42 AM	P-STORM	BASED ON MY EXPERIENCE THEY HAVE GIVE US THE SAME PAPERS OVER AND OVER. I DO NOT KNOW UNLESS THEY HAVE DISCOVERED SOMETHING NEW
10:42:48 AM	J	IDENTIFICATION OF WITNESSES AND EXHIBITS BY 2-29-2016
10:43:09 AM		THEN FOR DISCOVERY?
10:43:18 AM	P-NELSON	DEPENDING ON HOW MANY WITNESSES THEY IDENTIFY IN THEIR SCHEDULE. IF THEY ONLY HAVE A FEW THEN I WOULD SAY 3 WEEKS. DO NOT ANTICIPATE THAT WE ARE GOING TO DO ANY WRITTEN DISCOVERY IT IS JUST PRIMARILY VIEWING THEIR EXHIBITS AND DOCUMENTS SO I WOULD SAY END OF MARCH
10:43:51 AM	J	LETS SAY MARCH 24TH?
10:43:58 AM	P	GARY WILL BE OUT OF TOWN THAT WEEK
10:44:05 AM	J	THEN APRIL 1ST FOR DISCOVERY
10:44:29 AM		THEN LOOK AT DISPOSITIVE MTNS
10:44:45 AM	P	15TH OF APRIL
10:44:49 AM	J	DISPOSITIVE MTNS BY 4-15-16
10:44:57 AM		THEN NEED RESPONSE AND REPLY TIME
10:44:59 AM	P	THAT IS PUTTING US CLOSER TO MID MAY FOR BRIEFING 15 DAYS I THINK
10:45:18 AM	J	WE ARE LOOKING AT A JUNE TRIAL DATE BECAUSE PERHAPS WE NEED TO DAVE ARGUMENT ON THE MOTIONS AND THE COURT NEEDS TO DECIDE THE MOTIONS...THEN 1ST WEEK OF JUNE?
10:46:01 AM		LOOKING AT 21 DAYS FROM THE 15TH ROUGHLY
10:46:22 AM		PUTS US AT MAY 6TH
10:46:49 AM		CONSIDERING DAYS NEEDED

<u>10:47:13 AM</u>		BRIEFING SHOULD BE COMPLETED BY MAY 20TH
<u>10:47:24 AM</u>		THEN LOOK AT WHETHER WE NEED TO HAVE ARGUMENT ON THAT
<u>10:47:40 AM</u>		SEEMS WE ARE LOOKING FOR A TRIAL ON THE 9TH OR 10TH OF JUNE
<u>10:47:54 AM</u>	P	THAT WILL WORK
<u>10:47:58 AM</u>	J	CALL IT THE 9TH OF JUNE
<u>10:48:12 AM</u>		LIKE TO HAVE ON THE 2ND THEN A PTC TELEPHONIC, THAT IS JUNE 2ND AT 10 AM
<u>10:48:51 AM</u>	P	AGREE THE DATES ARE SATISFACTORY
<u>10:49:01 AM</u>		WILL SEND OUT AN ORDER TO THAT EFFECT
<u>10:49:08 AM</u>		KANNARDS WILL RECIEVE NOTICE OF IT
<u>10:49:17 AM</u>		IF ANYTHING HAPPENS WHERE ANYTHING CAN BE EXPEDITED LET ME KNOW
<u>10:49:35 AM</u>		END