DISTRICT COURT
SAN JUAN COUNTY NM
FILED
2012 AUG -7 AM 11: 28

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

STATE OF NEW MEXICO, *ex rel.*
State Engineer,

Plaintiff,

vs.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

JICARILLA APACHE TRIBE and the NAVAJO NATION,

Defendant-Intervenor.

D-1116- CV 75-184
Hon. James J. Wechsler

AB-07-1
Claims of the Navajo Nation

AMENDED ORDER SETTING SCHEDULE GOVERNING DISCOVERY ON THE NON-SETTLING PARTIES AND REMAINING PROCEEDINGS

THIS MATTER comes before the Court on the Settling Parties' Proposed Schedule for Discovery on the Non-Settling Parties filed July 20, 2012. The San Juan Water Commission filed a response on July 25, 2012, and the Settling Parties filed a reply on July 27, 2012.

The Court adopts the Settling Parties' proposed schedule, as set forth below. The Non-Settling parties may, if necessary and for good cause shown, request an extension of time to submit any responses which cannot be produced by November 5, 2012.

The Settling Parties are encouraged to consolidate their discovery requests to the extent possible. All parties are also encouraged to discuss and attempt to resolve any objections to the Settling Parties' discovery requests prior to submitting objections to the Court.

The Court has *sua sponte* amended the pre-hearing procedure in paragraphs 13 and 15 to require the parties to submit a proposed pre-trial order and proposed pre-hearing findings of fact and conclusions of law.

Amended Schedule Governing Discovery on Non-Settling Parties and Remaining Proceedings

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1. **Document E-Repository**: Only discovery documents shall be posted on the electronic document repository ("e-repository" at http://uttoncenter.unm.edu/ombudsman/san-juan-discovery.php) at the Joe M. Stell Ombudsman Program at the Utton Center at the University of New Mexico School of Law. This website shall be accessible to the general public, and all discovery documents shall be available on the website. All documents shall be sent in electronic form to the Ombudsman Program. (See Notice Regarding Discovery Document E-Repository filed February 22, 2012).

2. **September 21, 2012: Objections / Responses by non-Settling Parties.** The legal and factual bases for all responses shall be stated with particularity. **The failure of an Objector to comply with discovery requests or otherwise adhere to the requirements of any order of the Court may result in dismissal of the objection.** At any time an Objector may withdraw an objection by filing a notice of withdrawal with the Court. Self-represented Objectors are responsible for informing the Court of any changes in their e-mail and physical mailing addresses or changes in ownership of water rights or real property associated with those rights.

3. **September 21, 2012: Initial Disclosures by non-Settling Parties**, including (i) the name, address and telephone number of each individual likely to have discoverable information that the Respondent may use to support its position, and (ii) a description, by category and location, of all documents, electronically stored information and tangible items in the possession, custody or control of the Respondent that the Respondent may use to support its position.

4. **On or after October 5, 2012**: Any party may file proposed common issues of fact or law that are ripe for resolution.

5. **No later than October 5, 2012:** Settling Parties submit initial discovery requests.

6. **No later than November 5, 2012:** Non-Settling Parties submit responses and objections to initial discovery requests.

7. **No later than November 16, 2012:** Settling Parties respond to Non-Settling Parties' objections.

8. **No later than November 30, 2012:** Court rules on objections to Settling Parties' initial discovery requests.

9. **February 1, 2013: Close of Discovery**

10. **Dispositive Motions**
    a. **March 1, 2013**: Settling Parties' memorandum in support of the Settlement Motion of the United States, Navajo Nation and State of New Mexico for Entry of Partial Final Decrees, filed January 3, 2011
    b. **April 1, 2013**: Responses to dispositive motions.
    c. **April 16, 2013**: Replies to responses to dispositive motions.
    d. **Week of May 6, 2013**: Hearing on dispositive motions.

11. **Week of June 10, 2013**: Decision on the need for evidentiary hearing

12. **June 24, 2013**: Submittal of Witness Lists and Exchange of Exhibits

13. **June 27, 2013**: Parties Submit Proposed Pretrial Order

14. **July 2, 2013**: Pre-hearing Conference

15. **July 22, 2013**: Parties Submit Proposed pre-hearing findings of facts and conclusions of law

16. **Weeks of July 29, August 5, and August 12, 2013: Evidentiary Hearing**

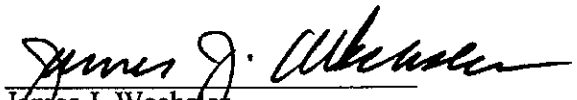
17. **Post-Hearing Briefing**

    a. **30 Days After Evidentiary Hearing**: Proposed post-hearing findings of fact and conclusions of law and memorandum in support (Settling Parties and Non-Settling Parties)

    b. **10 Days After Proposed Findings of Fact and Conclusion of Law**: Responses

18. **December 31, 2013: Decision of the Court**

IT IS SO ORDERED.



James J. Wechsler
Presiding Judge