

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

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

v.

No. Civ. 66-06639 WJ/WPL

R. LEE AAMODT *et al.*
Defendants,

and

UNITED STATES OF AMERICA,
PUEBLO DE NAMBÉ,
PUEBLO DE POJOAQUE,
PUEBLO DE SAN ILDEFONSO,
and PUEBLO DE TESUQUE,
Plaintiffs-in-Intervention.

**SCHEDULING ORDER ADOPTING, IN PART, JOINT STATUS REPORT
AND PROVISIONAL DISCOVERY PLAN,
SUBFILES PM-30627 AND PM-89217, CONSOLIDATED [DOC. NO. 10106]**

THIS MATTER is before the Special Master, entered pursuant the Order of Reference [Doc. No. 6336], the Procedural and Scheduling Order for the Adjudication of Surface Water Right Priorities [Doc. No. 6315], the Notice and Order to Show Cause [Doc. No. 6379], Fed. R. Civ. P. 53, upon review of the Joint Status Report and Provisional Discovery Plan filed by the parties hereto, and following the Rule 16 Scheduling Conference held on February 6, 2015. The Federal Rules of Civil Procedure and the local rules of the Court will apply to these claims.

The Court adopts, in part, the Joint Status Report and Provisional Discovery Plan filed by the parties, as modified herein.

The termination date for discovery shall be **July 31, 2015** and discovery shall not be reopened, nor shall case management deadlines be modified, except by an order of the Court upon a showing of good cause. This deadline shall be construed to require that discovery be completed on or before the above date. Service of interrogatories or requests for production shall be considered timely only if the responses are due prior to the deadline. The pendency of dispositive motions shall not stay discovery.

Motions relating to discovery (including, but not limited to, motions to compel and motions for protective order) shall be filed with the Court and served on opposing parties by **August 3, 2015**. See D.N.M.LR-Civ. 7 for motion practice requirements and timing of responses and replies. This deadline shall not be construed to extend the twenty-day time limit in D.N.M.LR-Civ. 26.6. **No discovery motion shall be filed unless the parties first arrange a telephonic conference with the Special Master relating the matters to be raised in the motion.**

Unless previously disclosed, Plaintiff shall identify to the parties hereto in writing any expert witness to be used by Plaintiff at trial and shall provide expert reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) no later than **April 30, 2015**. All other parties shall identify in writing any expert witness to be used by such parties at trial and shall provide expert reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) no later than **April 30, 2015**.

Rebuttal reports from retained experts pursuant to Fed. R. Civ. P. 26(a)(2) shall be due from both Plaintiff and Defendants no later than **May 31, 2015**.

Supplementation pursuant to Fed. R. Civ. P. 26(e) shall be due no later than **10 days** after the new information has been acquired.

Written discovery in these subfile proceedings, other than initial disclosures, shall be limited

to 20 interrogatories per party, including subparts, 20 requests for production, and 20 requests for admission. For good cause shown and with the Court's approval, these limitations may be expanded.

Depositions in these subfile proceedings, either of parties, lay witnesses, or expert witnesses, may take place only with the consent of all parties to the subfile proceeding. If a party objects to the taking of a deposition, the matter shall be brought to the attention of the Court promptly. Plaintiff may take a maximum of 2 depositions. Defendants may take a maximum of 5 depositions. Each deposition shall be limited to no more than 4 hours on the record, unless extended by agreement of the parties.

Pretrial motions, other than discovery motions, shall be filed with the Court and served on opposing parties by **July 31, 2015**. See D.N.M.LR-Civ. 7 for motion practice requirements and timing of responses and replies. Any pretrial motions, other than discovery motions, filed after the above dates shall, in the discretion of the Court, be considered untimely.

If documents are attached as exhibits to motions, affidavits, or briefs, those parts of the exhibits that counsel or parties *pro se* want to bring to the attention of the Court must be highlighted in accordance with D.N.M.LR-Civ. 10.6.

A pretrial conference will take place on **August 14, 2015 at 2:00 p.m.** at the United States Courthouse, Santa Fe, New Mexico.

Trial will take place on **Friday, September 11, 2015 at 9:00 a.m.** at the United States Courthouse, Santa Fe, New Mexico.

THE PARTIES ARE NOTIFIED THAT WITHIN 20 DAYS OF SERVICE of a copy of this order, report, or recommendations, they may file written objections with the Clerk of the Court pursuant to Federal Rule of Civil Procedure 53(f)(2). **A party must file any objections with the Clerk of the Court within the twenty-day period if that party wants the District Judge to hear their objections. If no**

objections are filed within the twenty-day period, the District Judge may adopt the order, report or recommendations in whole.

IT IS SO ORDERED.

/s/ Pierre Levy
Pierre Levy, Special Master

April 13, 2015

CERTIFICATE OF SERVICE

I hereby certify that on the date of filing I caused the foregoing to be filed electronically through the CM/ECF system which caused the parties on the electronic service list to be served, as more fully set forth in the Notice of Electronic Filing

/s/ Pierre Levy
Pierre Levy