

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

STATE OF NEW MEXICO <i>ex rel.</i>)	
State Engineer,)	
)	
Plaintiff,)	No. 69cv07941-BB/LFG
)	
)	Rio Chama Stream System
)	
ROMAN ARAGON, <i>et al.</i> ,)	Pueblo Claims Subproceeding 1
)	
Defendants.)	
_____)	

UNITED STATES' MOTION TO AMEND SCHEDULING ORDER ON PUEBLO CLAIMS

The United States of America (“United States”) hereby moves the Court to further amend the November 3, 2004 *Scheduling Order on Pueblo Claims* (No. 7639) (“Scheduling Order”), as amended by the February 27, 2008 *Amended Scheduling Order on Pueblo Claims* (No. 9118) and the May 10, 2010 *Second Amended Scheduling Order on Pueblo Claims* (No. 9713 as corrected by the May 11, 2010 *Order Correcting Second Amended Scheduling Order* (No. 9714)) (“Second Amended Order”) to extend all pending deadlines by approximately seven months, as detailed herein. In support of this motion, the United States asserts:

1. The Second Amended Order sets a September 1, 2011 deadline for disclosure of the United States’ Rule 26(a)(2) expert witness reports. Finalization of one of those reports requires access to the Pueblo and to Pueblo members for field work and interviews.
2. Coordination with the Pueblo about such access has been difficult and was delayed well beyond what the United States anticipated at the time the Second

Amended Scheduling Order was negotiated. In particular, one of the unfortunate consequences of the death of the former attorney for the Pueblo, Mr. Vollmann, has been that the United States' experts were unable to obtain information needed for the design of field work, and permission to conduct the field work, until several months into the current year. As a result, the United States' experts need a full field season this year to complete their data collection, followed by adequate time to assess the collected data and prepare their final report.

3. A seven month extension of the deadline established by the Second Amended Order is needed, and will be sufficient, for the United States to provide the disclosure of expert testimony contemplated by Rule 26(a)(2). Because the schedule negotiated by the parties contemplates that expert disclosures by other parties, and other pre-trial activities, will follow a set period for review of the United States' disclosures, the United States is asking the Court to extend all deadlines set by the Second Amended Order by approximately seven months, as indicated in the following table:

Event	2nd Amended Order	U.S. Proposed Date
United States Rule 26(a)(2) disclosures	9/1/2011	4/2/2012
Ohkay Owingeh Rule 26(a)(2) disclosures	12/2/2012	7/8/2013
State Rule 26(a)(2) disclosures	6/5/2014	1/13/2015
All other parties Rule 26(a)(2) disclosures	12/10/2014	7/13/2015
All parties' expert rebuttal reports	6/5/2015	1/12/2016
Close of discovery	6/2/2016	1/13/2017
Discovery motions	7/28/2016	2/27/2017
Substantive pretrial motions	9/1/2016	4/3/2017
Rule 26(a)(3)(i) & (ii) final witness lists	12/1/2016	7/14/2017
Motions re: expert qualifications	1/5/2017	8/7/2017
Rule 26(a)(3)(iii) final exhibit lists	3/1/2017	10/2/2017
Case ready for trial	June 2017	January 2018

4. Undersigned counsel for the United States communicated via email with counsel for the other parties to Subproceeding 1, indicating the reasons why the United States would request a seven month extension and attaching a draft Third Amended Scheduling Order indicating the deadline extensions to be requested by this motion. As of the filing of this motion, Mr. Olsen, the counsel for Rancho Lobo; Mr. Utton for the Acequias Norteñas; Mr. Waltz for the Section 1 acequias, also known as the Rio Chama Acequias Association; Ms. Humprey for the Section 2, Section 4 and Section 5 acequias; Mr. Fullerton for the City of Española; and Ms. Singer for the State , have responded via email or in telephone communications indicating they do not object to the extension sought herein by the United States. Mr. Bergen, for Ohkay Owingeh, was previously consulted concerning the extension and indicated no objection. Undersigned counsel has received no responses indicating opposition to the requested extension, but has been unable to reach Ms. Ferrell, counsel for El Barranco, LLC.

WHEREFORE the United States respectfully moves that the deadlines established by the Second Amended Order be extended by approximately seven months as detailed in Paragraph 3 of this motion.

Electronically Filed

/s/Bradley S. Bridgewater

BRADLEY S. BRIDGEWATER
U.S. Department of Justice
South Terrace, Suite 370
999 18th Street
Denver, CO 80202
(303) 844-1359

COUNSEL FOR THE UNITED STATES

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on June 22, 2011, I filed the foregoing *United States' Motion To Amend Scheduling Order On Pueblo Claims* electronically through the CM/ECF system, which caused CM/ECF Participants to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

_____/s/_____
Bradley S. Bridgewater