

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

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

Plaintiff,

6:69-cv-07941- MV/KK  
RIO CHAMA STREAM SYSTEM

v.

Section 3, Rio Cebolla

ROMAN ARAGON, *et al.*,

Subfile Nos. CHCB-001-0007,  
CHCB-002-0001B, CHCB-002-0002C,  
CHCB-002-0009

Defendants.

MOTION FOR LEAVE TO FILE DEFENDANTS' INITIAL DISCLOSURES  
OUT-OF-TIME UNDER REVISED PRE-TRIAL ORDER

COMES NOW the undersigned attorney, Ted J. Trujillo, on behalf of the Chacon Family LLC, formerly Charlie Chacon and Geralda M. Chacon, and the Delfin O. and Frances S. Quintana Trust, Defendants in this lawsuit, and pursuant to the December 16, 2014 Revised Pre-Hearing Order in this matter under F.R.Civ.P. 26(a), hereby moves for leave to file out-of-time Defendants' Initial Disclosures that were due on March 16, 2015, stating grounds as follows:

1. Although, the undersigned Attorney, had calendared March 16, 2015 as the date to file disclosures of expert witnesses, he completely forgot the date, due to the effects of illness.
2. Beginning in mid-February the undersigned Attorney suffered lengthy bouts of influenza and strep throat that caused him to fall behind in his work while he was slowly recovering.

3. By the second week in March the undersigned Attorney was suffering from acute seasonal allergies with various symptoms that completely distracted him from performing practical and normal activities.

4. The undersigned Attorney did not work on March 16 nor did he remember the deadline so that extra time from counsel for the State could be requested.

5. On March 18, 2015 he saw the Initial Disclosures filed by Misty M. Braswell, counsel for the State, and realized then that he had missed the deadline. Undersigned Attorney contacted her by email about needing more time to respond and this Motion is in response to those communications.

6. The undersigned Attorney has completed the Initial Disclosures and now seeks leave to file same.

7. Defendants' Initial Disclosures have reduced the number of possible expert witnesses down to a possible four, from its previous List of Individuals with Discoverable Information and List of Documents and Tangible Things, filed on May 15, 2009.

8. Counsel for the Plaintiff, State of New Mexico, have been provided with a draft of this Motion and they do not oppose this motion.

WHEREFORE, the undersigned Defendants' counsel respectfully requests an Order Granting Leave to File Defendants' Initial Disclosures in this matter.

LAW OFFICES OF TED J. TRUJILLO

By:  /s/ Ted J. Trujillo

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