

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

STATE OF NEW MEXICO <i>ex rel.</i> )	
State Engineer, <i>et al.</i> , )	69-cv-07941-MV/KK
)	
Plaintiffs, )	RIO CHAMA ADJUDICATION
)	
v. )	Section 3, Rio Cebolla
)	
ROMAN ARAGON, <i>et al.</i> , )	Subfile Nos. CHCB-001-0007
)	CHCB-002-0001B
Defendants. )	CHCB-002-0002C
_____ )	CHCB-002-0009

**STATE’S REQUEST FOR TRIAL SETTING IN RIO CHAMA,  
SECTION 3, RIO CEBOLLA SUBFILES**

After meeting on June 23, 2016 to discuss settlement, the State of New Mexico (“State”) and Defendants in the subfiles listed above have determined that settlement is not possible. The undersigned counsel for the State respectfully requests that this Court set these matters for trial. The State respectfully requests that trial be scheduled for mid-September, 2016, or as soon practicable thereafter. The State anticipates that the trial will take three to four days.<sup>1</sup>

Pursuant to the Revised Pretrial Order, Doc. 11064 dated December 16, 2014, the parties are required to file a consolidated exhibit list and witness lists no later than 30 calendar days before trial. The parties also are required to deliver proposed trial exhibit binders and submit proposed findings of fact and conclusions of law to the chambers of the trial judge no later than 15 calendar days before trial. The parties invite the Court to determine whether a final pretrial

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<sup>1</sup> In the Revised Pretrial Order, Doc. 11064 dated December 16, 2014, the parties estimated that five days would be required for trial. However, since then this Court has granted the State’s Motion to Strike Defendants’ Expert Reports and Exclude the Testimony of Stephen D. Hardin, Sam Smallege, Charlie Hibner, and Malcolm Ebright (*see* Doc. 11080 dated April 27, 2015 *and* Doc. 11108 dated February 17, 2016). Accordingly, the State has revised its estimate for the number of days required for trial.

conference may be needed, and to schedule such a conference at a time the Court finds most appropriate.

Pursuant to D.N.M.LR-Civ.7.1, the State sought concurrence from counsel for Defendants regarding this request. Despite good faith efforts, the parties have been unable to agree on a requested trial schedule.

Respectfully submitted,

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**Certificate of Service**

I certify that on July 8, 2016, I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

/s/ Kelly Brooks Smith  
Kelly Brooks Smith