

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

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

Plaintiffs,

v.

ROMAN ARAGON, *et al.*,
Defendants.

69cv07941 MV/KK
Rio Chama Adjudication

Section 3, Rio Cebolla

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

ORDER SETTING TRIAL

THIS MATTER is before the Court on the State of New Mexico's Request for Trial Setting in Rio Chama, Section 3, Rio Cebolla Subfiles, Doc. 11122, filed July 8, 2016 ("State's Motion"), and on Defendants' Request for Trial Setting in Rio Chama, Section 3, Rio Cebolla Subfiles, Doc. 11123, filed July 11, 2016 ("Defendants' Motion").

The State requests that the trial be scheduled for mid-September, 2016, or as soon as practicable thereafter, and estimates the trial will take three to four days. *See* State's Motion at 1. The Defendants state they "advised the State that the earliest time block where both Attorney and Defendants are available for a trial in this matter is mid-November through the end of 2016, and if need be, through February, 2017," and estimate that the trial will take four to five days. Defendants' Motion at 1. Ted J. Trujillo, attorney for Defendants, gave notice that he will be unavailable from August 29, 2016 through September 30, 2016. *See* Doc. 11124, filed July 11, 2016. In its Response to Defendants' Motion, the State indicates that it "has a trial scheduled in mid-November in the adjudication of Pueblo water right claims in another adjudication." Doc. 11126, filed July 13, 2016. The State also notes that because some of the Defendants and one of the State's witnesses "are all quite elderly, a delay of four to seven months for trial may result in

the unavailability of any one of these witnesses,” and asserts that “all parties should be ready to go to trial with two months’ notice.” Doc. 11126 at 1-2.

The Court, having considered the filings by the State and the Defendants, and the Court’s schedule, will grant the State’s Motion in part, by setting the trial as soon as practicable, and will grant the Defendants’ Motion.

The trial for this matter is set for 8:30 a.m. to 4:30 p.m., Tuesday through Friday, beginning on February 21, 2017, before the Honorable Kirtan Khalsa, United States Magistrate Judge, in the Cimarron Courtroom, Suite 560, at the Pete V. Domenici Courthouse, 333 Lomas Blvd. NW, Albuquerque, New Mexico.

The deadlines in the Revised Pretrial Order, Doc. 11064, filed December 16, 2014, are reset as follows. The following items are due Friday, October 14, 2016:

- (i) a consolidated exhibit list identifying all exhibits that the parties have stipulated are admissible;
- (ii) a consolidated exhibit list identifying all exhibits to which there are objections;
- (iii) objections to proposed exhibits;
- (iv) two (2) sets of each party’s proposed exhibits;
- (v) witness lists; and
- (vi) proposed findings of fact and conclusions of law.

Motions in limine and responses to objections to exhibits, are due Friday, November 4, 2016. Responses to motions in limine and replies regarding objections to exhibits are due Friday, November 25, 2016. Replies regarding motions in limine are due Friday, December 9, 2016.

Defendants indicated that “a final pretrial conference would be in the best interest of the parties and the process.” Defendants’ Motion at 1-2. The Court will set a pretrial conference for

January 12, 2017 at 9:30, before the Honorable Kirtan Khalsa, United States Magistrate Judge, in the Cimarron Courtroom, Suite 560, at the Pete V. Domenici Courthouse, 333 Lomas Blvd. NW, Albuquerque, New Mexico.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Kirtan Khalsa". The signature is written in a cursive style with a horizontal line underneath it.

KIRTAN KHALSA
UNITED STATES MAGISTRATE JUDGE