

1 Greg Addington, Assistant U.S. Attorney
 Susan L. Schneider, Trial Attorney
 2 U.S. Department of Justice
 Environment and Natural Resources Div.
 3 999 – 18th Street, Suite 370
 Denver, Colorado 80202
 4 (303) 844-1348
 susan.schneider@usdoj.gov
 5 *Attorneys for the United States of America*

Simeon M. Herskovits, Nevada Bar No. 11155
 Advocates for Community and Environment
 P.O. Box 1075
 El Prado, New Mexico 87529
 (575) 758-7202
 simeon@communityandenvironment.net
Attorney for Mineral County, Nevada

6 Wes Williams, Jr., Nevada Bar No. 06864
 3119 Pasture Rd.
 P.O. Box 100
 7 Schurz, Nevada 89427
 (775) 773-2838
 8 wwilliams@stanfordalumni.org
Attorney for the Walker River Paiute Tribe

9 **IN THE UNITED STATES DISTRICT COURT**
 10 **FOR THE DISTRICT OF NEVADA**

| | | | |
|----|-----------------------------------|---|----------------------------------|
| 11 | UNITED STATES OF AMERICA, |) | IN EQUITY NO. C-125 |
| | |) | |
| 12 | Plaintiff, |) | SUBFILE NO. C-125-B |
| | |) | 3:73-cv-00127-ECR-LRL |
| 13 | WALKER RIVER PAIUTE TRIBE, |) | |
| | |) | SUBFILE NO. C-125-C |
| 14 | Plaintiff-Intervenor, |) | 3:73-cv-00128-ECR-LRL |
| | |) | |
| 15 | v. |) | |
| | |) | UNOPPOSED MOTION FOR |
| 16 | WALKER RIVER IRRIGATION DISTRICT, |) | EXTENSION OF TIME TO FILE |
| 17 | a corporation, et al., |) | REPLIES TO MEMORANDA |
| | |) | RELATED TO OBJECTIONS TO |
| 18 | Defendants. |) | PROPOSED SERVICE CUTOFF |
| | |) | AND SUCCESSOR-IN-INTEREST |
| 19 | |) | ORDERS |
| 20 | UNITED STATES OF AMERICA, |) | |
| | WALKER RIVER PAIUTE TRIBE, |) | |
| 21 | Counterclaimants, |) | |
| | |) | |
| 22 | v. |) | |
| | |) | |
| 23 | WALKER RIVER IRRIGATION DISTRICT, |) | |
| 24 | et al. |) | |
| | |) | |
| 25 | Counterdefendants. |) | |

26 Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and LR 6-1 and LR 6-2,
 27 counsel for the United States of America, the Walker River Paiute Tribe, and Mineral County
 28 (“Plaintiff Parties”) move the Court for an order extending the time for the Plaintiff Parties to

1 file replies to memoranda related to objections to the proposed service cutoff order (Doc. 1613
2 in C-125-B) and successor-in-interest orders (Doc. 1614 in C-125-B; Doc. 516 in C-125-C)
3 from on or before February 3, 2011 to on or before February 11, 2011.

4 In support of this Motion, counsel for the United States of America, the Walker River
5 Paiute Tribe, and Mineral County represent the following to the Court:

- 6
7 1. Pursuant to the status conference held on October 19, 2010 and by Stipulation and
8 Order dated December 9, 2010 and December 15, 2010 respectively, the Court
9 established a schedule for filing proposed service cutoff and successor-in-interest orders
10 in C-125-B and C-125-C as well as memoranda related to objections, if any, to the
11 proposed orders. (Doc. 1616 in C-125-B; Doc. 518 in C-125-C). That schedule was as
12 follows:
 - 13 a. The United States shall lodge the Service Cut-Off Order in Subproceeding C-
14 125-B with the Court on or before November 30, 2010;
 - 15 b. The United States and Mineral County shall lodge the Successor-in-Interest
16 Order in both Subproceeding C-125-B and Subproceeding C-125-C on
17 November 30, 2010; and
 - 18 c. The parties shall file memoranda related to objections, if any, to either or both
19 such proposed orders on or before December 17, 2010.
- 20
21 2. Pursuant to the Court's direction, on November 30, 2010, the United States, Walker
22 River Paiute Tribe filed a proposed Service Cut-Off order in C-125-B and the United
23 States, Walker River Paiute Tribe, and Mineral County filed proposed Successor-in-
24 Interest Orders in C-125-B and C-125-C. (C-125-B Docs. 1613 & 1614; C-125-C Doc.
25 516).
- 26
27 3. By Stipulation and Order dated December 15, 2010, the Court extended the deadline to
28 file memoranda related to objections, if any, to the proposed service cutoff and

1 successor-in-interest orders to on or before December 31, 2010, directed that the
2 Plaintiff Parties and Primary Defendants in both cases confer before the Plaintiff Parties
3 reply to those objections to determine, among other things, if the parties can agree on
4 proposed language, or if there are additional procedures and forms that may assist with
5 these issues, and further ordered that the Plaintiff Parties shall file any replies, including
6 any revisions to proposed orders on or before January 27, 2011. (Doc. 1617 in C-125-B;
7 Doc. 519 in C-125-C).
8

- 9 4. Pursuant to Order dated December 28, 2010, the Court again extended the deadline for
10 Primary Defendants to file memoranda related to objections, if any, to the proposed
11 service cutoff and successor-in-interest orders to on or before January 7, 2011 and
12 further ordered that the Plaintiff Parties shall file any replies, including any revisions to
13 proposed orders on or before February 3, 2011. (Doc. 1619 in C-125-B; Doc. 520 in C-
14 125-C).
15
16 5. The parties have been in contact, but due to schedule conflicts are unable to set a
17 conference call date to confer and discuss proposed language until the afternoon of
18 February 3.
19
20 6. Because the conference call discussion may impact the language of their reply, Plaintiff
21 Parties request an eight (8) day extension to February 11, 2011 in which to file a reply.
22
23 7. Counsel for Mineral County has contacted counsel for Primary Defendants concerning
24 this request and they have no objections to it.
25
26
27
28

1 NOW, THEREFORE, based upon the foregoing, Plaintiff Parties respectfully request
2 that the Court grant this Unopposed Motion, and extend the time for Plaintiff Parties to file any
3 replies, including any revisions to the proposed orders, to on or before February 11, 2011.

4 Respectfully submitted,

5 U.S. DEPARTMENT OF JUSTICE

ADVOCATES FOR COMMUNITY &
ENVIRONMENT

6 By: /s/
7 Susan L. Schneider, Trial Attorney
8 Environment and Natural Resources Div.
9 999 18th Street, Suite 370
10 Denver, Colorado 80202
11 *Attorneys for United States of America*

By: /s/
Simeon M. Herskovits
Nevada Bar No. 11155
P.O. Box 1075
El Prado, New Mexico 87529
Attorney for Mineral County

12 WALKER RIVER PAIUTE TRIBE

By: /s/
13 Wes Williams, Jr.,
14 Nevada Bar No. 06864
15 3119 Pasture Rd.
16 P.O. Box 100
17 Schurz, Nevada 89427
18 *Attorney for the Walker River Paiute Tribe*

ORDER

19 Dated: January 31, 2011.

20 IT IS SO ORDERED.

21 _____
22 Lawrence R. Leavitt
23 United States Magistrate Judge
24
25
26
27
28