UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, WALKER RIVER PAIUTE TRIBE, Plaintiff-Intervenor, v. WALKER RIVER IRRIGATION DISTRICT, a corporation, et. al., Defendants.	IN EQUITY NO. C-125-RCJ SUBPROCEEDING NO. C-125-B 3:73-CV-00127-RCJ-WGC **REPORT & RECOMMENDATION OF U.S. MAGISTRATE JUDGE**

This Report and Recommendation is made to the Honorable Robert C. Jones, United States District Judge. This action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(B)(1)(B) and the Local Rules of Practice, LR 1B 1-4.

IT IS HEREBY RECOMMENDED that District Judge Jones **ADOPT** the proposed Superseding Order Regarding Service and Filing in Subproceeding C-125-B On and By All Parties (Attachment 1 to this Report and Recommendation). The background and circumstances leading to this recommendation are sufficiently set forth in the parties' Joint Memorandum Concerning Proposed Superseding Order Regarding Service and Filing in Sub-Proceeding C-125-B and By All Parties. (Set forth as Docket Number 2056 in 3:73-cv-00127-RCJ-WGC, and included for the Court's convenience as Attachment 2 to this Report and Recommendation.)[1]

[1] While the parties' joint memorandum states that the proposed superseding order is included as Attachment A to the memorandum, the latest version (and the version that is being recommended for adoption) is included with this Report and Recommendation as Attachment 1. It should be noted that the Joint Memorandum provides that Non-Appearing Parties who do not file a Notice of Appearance and Intent to Participate, or who do not select a method of service, will remain Non-Appearing Parties, and will be deemed in "default" for purposes of Fed. R. Civ. P. 5(a)(2), and no further service will be required on them unless and until they appear. (Doc. # 2056 at 5-6.) Such Non-Appearing Parties are in technical "default" for purposes of service under Rule 5(a)(2); however, consistent with the Case Management Order, they are not in default for purposes of Rule 55.

The parties should be aware of the following:

1. That they may file, pursuant to 28 U.S.C. § 636(b)(1)(C), specific written objections to this Report and Recommendation within fourteen days of receipt. These objections should be titled "Objections to Magistrate Judge's Report and Recommendation" and should be accompanied by points and authorities for consideration by the district judge.

2. That this Report and Recommendation is not an appealable order and that any notice of appeal pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure should not be filed until entry of judgment by the district court.

DATED: August 18, 2014

William G. Cobb

WILLIAM G. COBB
UNITED STATES MAGISTRATE JUDGE