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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, WALKER RIVER PAIUTE TRIBE Plaintiff-Intervernor, v. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., Defendants.	3:73-cv-00127-MMD-WGC **UNITED STATES' AND THE WALKER RIVER PAIUTE TRIBE'S NOTICE IN OPPOSITION TO DEFENDANTS' REQUEST FOR ORAL ARGUMENT**

In response to *Principal Defendants' Request for Oral Argument* (ECF No. 2660) (Defendants' Request), the United States and Walker River Paiute Tribe (Plainitffs) provide this notice in opposition to the request on the grounds that such argument is uneccessary. Moreover, Defendants' request is untimely and in conflict with Local Rule 78-1.

Pending before this Court is *Plaintiffs' Joint Motion for Partial Summary Judgment* (ECF No. 2638) (Plaintiffs' Motion). In their motion, Plaintiffs raise only questions of law centered on a limited number of established United States Supreme Court and Ninth Circuit Court of Appeals cases. Together, Plaintiffs' Motion, Defendants' Response (ECF No. 2649), and Plaintiffs' Reply (ECF No. 2659) amply illustrate that the primary dispute between the parties here centers on the interpretation of a single case, *Arizona v. California*, 460 U.S. 605 (1983) (ubiquitously referred to as "*Arizona II"* in briefing).

Defendants' Request states that oral argument is needed based on their "review of [Plaintiffs' Reply]." However, Defendants provide no explanation of what their "review" uncovered in Plaintiffs' Reply. Moreover, Plaintiffs' Reply raised no new issues and was tied strictly to countering arguments raised in Defendants' Response. The parties have been given full opportunity to be heard by the Court through briefing, and oral argument is not an opportunity to give a responding party the last word.

Defendants' Request also does not comply with the Local Rules. The applicable Local Rule of the United States District Court for the District of Nevada provides:

> **ORAL ARGURMENT**
>
> All motions may be considered and decided with or without a hearing. Any party making or opposing a motion who believes oral argument may assist the court and wishes to be heard may request a hearing by inserting the words ORAL ARGUMENT REQUESTED below the title of the document on the first page *of the motion or response*. *Parties must not file separate motions requesting a hearing.*

LR 78-1 (emphasis added).

Oral argument was not requested in Plaintiffs' Motion nor in Defendants' Response and, as stated, Plaintiffs' Reply was strictly limited to answering the arguments raised in Defendants'

Response. No justification exists for oral argument and, Plaintiffs' Motion can be satisfactorily resolved based on the arguments set forth in the relevant briefs as plainly provided in LR 78-1.

Dated: March 10, 2021

Respectfully submitted,
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Acting Assistant Attorney General

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Certificate of Service

It is hereby certified that on March 10, 2021 service of the foregoing was made through the court's electronic filing and notice system (CM/ECF) to all of the registered participants.

Further, pursuant to the Superseding Order Regarding Service and Filing in Subproceeding C-125-B on and by All Parties (ECF 2100) at 10 ¶ 20, the foregoing does not affect the rights of others and does not raise significant issues of law or fact. Therefore, the United States has taken no step to serve notice of this document via the postcard notice procedures described in paragraph 17.c of the Superseding Order."

By *<u>/s/ Andrew "Guss" Guarino</u>*
Andrew "Guss" Guarino