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CLERK
BY DEPUTY

IN THE UNITED STATES DISTRICT COURT OF NEVADA

UNITED STATES OF AMERICA AND THE WALKER RIVER PAIUTE TRIBE, Plaintiff(s), v. THE WALKER RIVER IRRIGATION DISTRICT, et al, Defendant(s).	IN EQUITY NO. C-125-B **RESPONSE TO UNITED STATES OF AMERICA AND WALKER RIVER PAIUTE TRIBE'S LIST OF PROPOSED AGENDA ITEMS FOR DECEMBER 1, 2004 STATUS CONFERENCE**

CIRCLE BAR N RANCH (TOM REVIGLIO, TONY REVILGIO); BORSINI RANCH, INC (DALE BORSINI); PEAVINE LEASING, LLC (MIKE FARETTO); PERI BROTHERS & SONS (DAVE PERI, BUTCH PERI); L & M FAMILY LIMITED PARTNERSHIP (BRIAN MASINI); and THOMAS BOBRICK TRUST (TOM BOBRICK) ("Objectors"), file this response to the United States of America and Walker River Paiute Tribe's list of proposed agenda items for December 1, 2004 status conference.

On October 1, 2004, U.S. Magistrate Judge Robert A. McQuaid, Jr. set out a motion schedule for the parties regarding continuing the stay to allow mediation which expires on December 31, 2004. That motion schedule provided that the mediation parties had until

{P0016133; 0772.00 BAC }

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November 1, 2004 to file a motion to continue mediation and that this motion must be served upon Ms. Schroeder and Mr. Schaffer as they had requested at this status conference an opportunity to respond. No motion was filed by the mediation parties to continue the mediation. The undersigned has received no service on such a motion.

Now, the Tribes suggest by its proposed agenda offered to the Court on November 16, 2004, that this item ought to be considered. The undersigned respectfully request that because no motion was filed as set forth in the schedule provided by this Court that it would be improper to consider this matter without (1) a motion; (2) served on all current parties to the litigation to be stayed (including all parties recently served who have filed an appearance); (3) sufficient time for those parties to respond; and (4) a hearing notice to allow for oral argument concerning the same.

If the Court decides to adopt the Tribes' agenda without requiring a motion, service, responses and a hearing; then the undersigned requests immediate notice so that she may file further response.

DATED this 23nd day of November, 2004.

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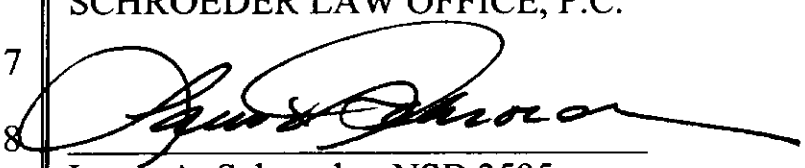

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{P0016133; 0772.00 BAC }

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CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I hereby certify that I am an employee of Schroeder Law Offices, P.C., and that I mailed a true and correct copy of the foregoing *RESPONSE TO UNTITED STATES OF AMERICA AND WALKER RIVER PAIUTE TRIBE'S LIST OF PROPOSED AGENDA ITEMS FOR DECEMBER 1, 2004 STATUS CONFERENCE*, by e-mail as indicated and by U.S. Mail postage prepaid and addressed to:

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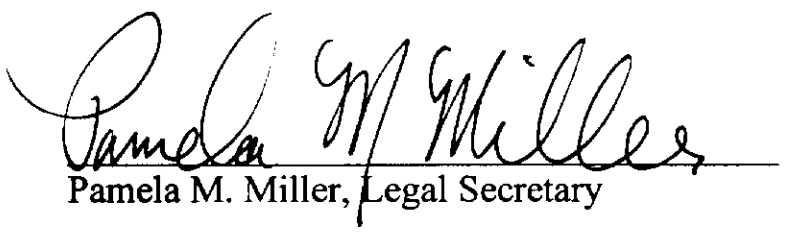

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