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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, WALKER RIVER PAIUTE TRIBE, Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., Defendants.	IN EQUITY NO. C-125-RCJ Subproceedings: C-125-B & C-125-C 3:73-CV-00127-RCJ-WGC & 3:73-CV-00128-RCJ-WGC **SUMMARY FOR THE STATUS CONFERENCE HELD AUGUST 6, 2013**
MINERAL COUNTY, Proposed-Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al. Proposed Defendants.	

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_____)

The United States of America ("United States"), Plaintiff in Case No. C-125 and Subproceeding C-125-B, submits the following summary of the August 6, 2013 Status Conference. Pursuant to the Court's direction, the United States consulted with the other Plaintiffs and the Primary Defendants (collectively "Primary Parties") to prepare and submit the following summary of this proceeding.

AGENDA ITEMS:

a. Modification of e-service order in 3:73-cv-00127-RCJ-WGC and the proposed e-service order in 3:73-cv-00128-RCJ-WGC to comply with comments made by Chief Judge Jones at the July 25, 2013 status conference.

Judge Cobb noted that Chief Judge Jones wanted the e-service order to reflect additional efforts to ensure that non-represented parties receive some actual notice of pleadings. Chief Judge Jones suggested that, similar to the proceedings associated with the Orr Ditch case, non-represented parties electing not to receive e-mail notice be sent regular post-card notice of any pleadings served. Judge Cobb noted that such post-card notice was different from the service normally associated with the Court's service system. Discussion regarding post-card notices appears to be related to an order in the Orr Ditch case, 3:73-CV-31, Doc. # 1198. Mr. DePaoli noted that this order seemed to pertain to persons requesting service by mail, and that there is no specific order in Orr Ditch as to service of all non-represented parties who have appeared.

Judge Cobb directed that the parties cooperate with respect to developing modifications to the e-service order that are consistent with Chief Judge Jones' previous comments. The parties' joint proposal will be discussed at the next status hearing.

b. Whether the parties will proceed with service by publication.

The United States (Case 125-B) and Mineral County (Case 125-C) continue to discuss a common approach concerning publication associated with Case 125-B and 125-C (motion, order, and notice). The United States and Mineral County have exchanged and discussed drafts and hope to circulate drafted materials to the principle parties in the near future. The United States is unable to prepare final publication materials (motion, order, and notice) until personal service attempts have been completed. Mineral County will proceed with service by publication first.

c. Whether postcard notification should be utilized with respect to motions to dismiss and briefing of threshold issues.

See Agenda Item a, above.

d. Implementation of briefing on the "threshold" issues and what that term encompasses.

Matter discussed briefly but no decisions made.

e. The various deadlines for motions.

Matter discussed briefly but no apparent deadlines can be set at this time.

f. A correlation of undeliverable mail to service list/names of defendants.

The United States informed the Court that after the July 25th hearing, inquiries were made concerning notices of undeliverable mail received by the Court. It is the United States' understanding that these notices relate to persons/entities that have been served and who have appeared in this case. Undeliverable mail appears to be the result of persons/entities not updating the Court or the United States with respect to a current address.

With respect to notices of undeliverable mail received in the C-125-C (3:73-cv-00128-RCJ-WGC) subproceeding, counsel for Mineral County informed the Court that they are actively working with the Clerk of the Court to ensure that the Court has a correct up-to-date service list, which should largely eliminate the problem. Mineral County further informed the Court that any few remaining incidences of undeliverable mail that might remain after the Court's service list in this subproceeding is brought up to date would appear to be the result of previously served defendants failing to update the Court or Mineral County with regard to changes of address.

g. Necessary modifications to the April 18th, 2000 Case Management Order and April 11, 2013 Supplemental Case Management Order files in subfile C-125-B to comply with comments made by Chief Judge Jones at the July 25, 2013 Status Conference.

Judge Cobb noted that Chief Judge Jones ratified both the CMO and amended CMO. The Court will defer to Chief Judge Jones on any further action on or modification to the CMO, including whether and to what extent it should apply to C-125-C.

h. Additional Items

At the conclusion of the status hearing a general discussion was had concerning future issues/motions that might be raised (e.g. briefing concerning in rem/in personam jurisdictional issues). Discussion also returned to the idea of post-card service and the significant burden and expense that such a step would have on all parties and the court.

At the conclusion of the hearing, a future status conference was set for September 6, 2013 10 am (PDT).

Dated: August 28, 2013

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of September, 2013, I electronically filed the foregoing **SUMMARY FOR THE STATUS CONFERENCE HELD AUGUST 6, 2013** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses that are registered for this case;

/s/ Eileen Rutherford
Senior Paralegal, USIS for
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