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Jr. Status
Robert A.

John W Howard

3:73-cv-127 Notice will be delivered by other means to:

Minutes of Proceedings

3:73-cv-00127-ECR-RAM IN EQUITY C-125-B: UNITED STATES OF AMERICA V. WALKER RIVER IRRIGATION, ET AL.

United States District Court

District of Nevada

Notice of Electronic Filing

The following transaction was received from GMM, entered on 12/22/2005 at 2:38 PM PST and filed on 12/6/2005

Case Name:	IN EQUITY C-125-B: UNITED STATES OF AMERICA V. WALKER RIVER IRRIGATION, ET AL.
Case Number:	3:73-cv-127
Filer:	
Document Number:	810

Docket Text:
MINUTES OF PROCEEDINGS - Status Conference held on 12/6/2005 before Judge Robert A. McQuaid Jr.. Crtrm Administrator: *GMM*; Pla Counsel: *Susan Schneider (USA); Alice Walker, Scot McElroy (Walker River Paiute Tribe)*; Def Counsel: *Gordon Depaoli; Dale E. Ferguson*; Also attending: Linda Bowman (U.S. Board of Water Commissioners); John Howard, W.E. Schaeffer (Landolts); Laura Schroeder (Walker River Water Users); Marta Adams (State of Nevada and Simeon Herskovits (Mineral County and Walker Lake Working Group) *Court Reporter/FTR #: FTR; Time of Hearing: 1:33 p.m. to 2:03:44 p.m.. Motion Hearing regarding the Motion to Disqualify [795] set for 3/7/2006 01:30 PM in Reno Courtroom 2 before Magistrate Judge Robert A. McQuaid Jr. Status Conference set for 3/7/2006 01:30 PM in Reno Courtroom 2 before Magistrate Judge Robert A. McQuaid Jr. See attached Minutes for particulars. (GMM,)*

The following document(s) are associated with this transaction:

Document description:*Main Document*
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[STAMP dcecfStamp_ID=1101333072 [Date=12/22/2005] [FileNumber=2940817-0] [43cda0921f130ab8c3578ea82ebfcc0fa8caf3ed01549fb7c3348dac7829552037172f900a45c5918f1e1d13632e6df031fa0c05adba2c6a357d9e7d3dcdc1b7]]

3:73-cv-127 Notice will be electronically mailed to:

Gregory W. Addington greg.addington@usdoj.gov, judy.farmer@usdoj.gov; joanie.silvershield@usdoj.gov

John W Howard ,

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

UNITED STATES OF AMERICA, Plaintiff, WALKER RIVER PAIUTE TRIBE, Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, et al., Defendants.	In Equity No. C-125-ECR Subfile No. C-125-B (Official Docket No.: 03:73:cv-127-ECR-RAM) MINUTES OF THE COURT DATED: Tuesday, December 6, 2005
UNITED STATES OF AMERICA, WALKER RIVER PAIUTE TRIBE, Counterclaimants, vs. WALKER RIVER IRRIGATION DISTRICT, et al., Counterdefendants.	

PRESENT: HONORABLE ROBERT A. McQUAID, JR., U.S. MAGISTRATE JUDGE

Deputy Clerk: Gina Mugnaini Reporter: FTR 1:33 p.m. - 2:03 p.m.

Counsel appearing in person: Linda Bowman (U.S. Board of Water Commissioners); Dale E. Ferguson (WRID);Gordon Depaoli (WRID); John Howard (Landolts) W.E. Schaeffer (Landolts); Laura Schroeder (Walker River Water Users) and Marta Adams (State of Nevada)

MINUTES OF THE COURT
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Counsel appearing telephonically: Susan Schneider (USA); Alice Walker and Scott McElroy (Walker River Paiute Tribe); and Simeon Herskovits (Mineral County & Walker Lake Working Group)

PROCEEDINGS: STATUS CONFERENCE

1:33 : p.m.: Court convenes.

The Court advises, that as has been done in the past, if there are no objections, the proposed agenda of the United States and the Tribe will be used. The Court next addresses the Sixth Report and Order and asks if there any objections to that report. There being none, the Sixth Report is approved and the Order will be signed. The Court next asks if the Seventh Report had yet been filed. Per Ms. Schneider, that Report has not yet been filed. Ms. Schneider asks about E-filing documents. The Court refers Ms. Schneider to the Clerk's Office for information. Ms. Schneider advises the Court that the Seventh Report and Order should be filed and served in the near future.

The next item on the agenda is the ongoing efforts to update the certificate of service. Ms. Schneider indicates that there is not much to report except that service is ongoing and she is continuing to update the certificate. She indicates that she will meet with the Clerk's office to continue this process.

The Court next inquires as to the status of Mediation and inquires if the recent events that have occurred in Congress effect this process. Mr. Depaoli responds to this question and further advises the Court that the mediation efforts seem to be at a critical point. Depending on how things go in the month of December, the mediation will either continue or it won't. At a meeting scheduled for later in the month, it should be determined if the mediation will go forth or not.

The next agenda item is the status of the service regarding services categories described in paragraph 3 of the CMO. Ms .Schneider indicates that she is working primarily on Paragraph 3C of the Order. She is hopeful that the Seventh Service Report which will cover approximately 200 service returns and will be filed shortly and then begin work on the Eighth Report.

Ms. Schneider next address Topic 7 of the Agenda – the status of efforts to initiate personal service, and any other service-related issues. No personal service has been made since July, and nothing has happened on this matter in the last couple of months.

The next Agenda item is the status of development of proposed procedures regarding mailing, notice and other contacts with unrepresented persons and entities served in this action. Ms. Walker reports that she has recirculated her joint stipulation to the active attorneys in this matter and included with it the information Ms. Schroder gave her regarding the plan of adjudication. Ms. Walker is still awaiting comment from most of the parties. The Court asks all present to respond to Ms. Walker before the next status conference so that a discussion of this issue may be had.

The Court next addresses the issues related to electronic filing. The Court gives a brief account of the progress of the Court's electronic filing system and encourages all present to take the classes provided for training as electronic filing will be mandatory on January 2, 2006.

Ms. Walker advises the Court that two motions have been filed by Mr. Howard, one to disqualify and one for clarification. Ms. Walker proposes that a briefing schedule be set for responses to the motions. Mr. Howard advises the Court that he and Mr. Depoali have briefly discussed this issue. The Court tells the parties of some of the difficulties that have arisen with the change over of the Clerk's filing system and requests that courtesy copies of all filings be presented to Chambers for the time being. Mr. Depoali presents the following briefing schedule: for oppositions to be due on Monday, January 23, 2006 and the reply due February 13, 2006. This Court will consider the motion to disqualify (#795) and Judge Reed will be dealing with the motion for clarification (#794). The Court instructs his courtroom deputy notify Judge Reed's courtroom deputy as to a date for a hearing on the motion for clarification. The Court sets a hearing on the Motion to Disqualify for Tuesday, March 7, 2005, at 1:30 p.m. at the same time as the next status conference.

Some discussion as to what case number is to be used to file documents in this case arose. The deputy checks with the Clerk and it is determined that the case number to be used for the filing of documents in this matter historically numbered In Equity No. C-125-ECR, Subproceeding: C-125-B is 03:73:cv-127-ECR-RAM.

A discussion arose regarding the service list Mr. Howard used in the service of his two motions. It was suggested that he look at the certificate of service attached to the recent agenda and some of the other recent filings in this case and the related case to insure proper service.

It was also requested that Judge Reed be contacted and asked if he was to hold a hearing on the Motion for Clarification, that hearing be held on the morning of the same day as the next status conference.

The Court asks if there is anything else to be taken up. There being nothing further, the Court reaffirms that the next status conference and hearing on the Motion to Disqualify is set for **Tuesday, March 7, 2006, at 1:30 p.m.**

Counsel shall contact the courtroom deputy, Gina Mugnaini, at (775) 686-5758, two days in advance of the hearing to advise her if they wish to participate telephonically and, if so, of the telephone number(s) where they may be reached for the hearing. The courtroom deputy will initiate the conference call.

A status report shall be submitted to the Court two weeks in advance of the status conference to identify the issues that need to be discussed.

IT IS SO ORDERED.

2:03:44 p.m.: Court adjourns.

LANCE S. WILSON, CLERK

By: /s/
Deputy Clerk