

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor

v.

WALKER RIVER IRRIGATION DISTRICT,
a corporation et al.,

Defendants.

MINERAL COUNTY,

vs.

WALKER RIVER IRRIGATION DISTRICT, et al.)

IN EQUITY No. C-125 ECR
SUBFILE No. C-125 C
DEPUTY CLERK
JAMES S. WILSON
98 JUN 12 PM 3:10
FILED
MINUTES OF THE COURT

DATE: June 11, 1998

PRESENT: EDWARD C. REED, JR. U.S. District Judge
WAYNE JULIAN
Deputy Clerk: _____ Reporter: NONE APPEARING
Counsel for Plaintiff(s) NONE APPEARING
Counsel for Defendant(s) NONE APPEARING

MINUTE ORDER IN CHAMBERS

All proposed Defendants who have appeared in this case so far--United States, Walker River Paiute Tribe, Walker River Irrigation District, U.S. Board of Water Commissioners, State of Nevada, California State Water Resources Control Board, Cal-Trout, Inc., Hunewill Land & Livestock, and Annett's Mono Village (collectively, "Defendants")--jointly filed on June 9, 1998 an application to vacate the briefing schedule regarding proposed Plaintiff-Intervenor Mineral County's motion to intervene (#2).

IT IS HEREBY ORDERED that the Minutes of the Court (#162) filed December 4, 1997 are VACATED only to the following extent: the briefing schedule established by said Minutes (#162), directing the proposed Defendants to file responses to the motion (#2) to intervene by June 15, 1998 and directing Mineral County to reply by July 15, 1998, is VACATED.

Although Mineral County has not yet responded to the Defendants' instant application, the briefing schedule is unquestionably incompatible with the current posture of this case. Specifically, Mineral County has not yet completed service, and because we granted (#210) an additional 60 days to effect service and to satisfy the prerequisites to service by publication, the earliest possible time that we could grant the motion (#181) for service by publication (and thereby finally satisfy Fed.R.Civ.P. 4) is August 1, 1998. After that, Mineral County must serve at least the unknown proposed Defendants by publication, which will take another four weeks, and then we must provide all proposed Defendants at least 20 days within which to respond. In short, any lawful briefing schedule could not possibly provide for responses to the motion to intervene until approximately September 20, 1998 at the earliest.

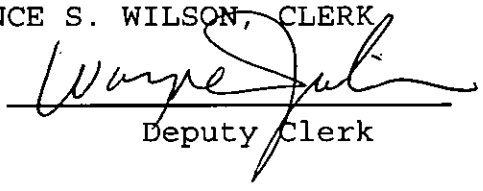
It therefore appears that the existing briefing schedule established by the Magistrate Judge must therefore be vacated. Since any revised briefing schedule necessarily depends on the date we decide once and for all the motion for publication (#181), we cannot as yet establish a hard and fast schedule. Subject to further orders of the Court, however, we will set the response date for Defendants as October 1, 1998 and the reply date for Mineral County as November 1, 1998.

IT IS FURTHER ORDERED that the proposed Defendants shall have until October 1, 1998 within which to file responses to Mineral County's motion (#2) to intervene, and Mineral County shall have until November 1, 1998 to reply.

IT IS FURTHER ORDERED that any party who objects to this Minute Order shall have until June 27, 1998 within which to file written objections.

LANCE S. WILSON, CLERK

By


Deputy Clerk