

FILED
03 MAY 23 PM 2:53
BY LANCE E. WILSON
CLERK
DEPUTY

MARSHALL S. RUDOLPH (Cal. State Bar No. 150073)
Mono County Counsel
STACEY SIMON (Cal. State Bar No. 203987)
Deputy County Counsel
P.O. Box 2415
Mammoth Lakes, CA 93546-2415
Ph: (760)924-1700
Fax: (760)924-1701

Attorneys for Defendant, MONO COUNTY, California

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

73-128

IN EQUITY NO. C-125-ECR
Subproceedings: C-125-B and C-125-C

COUNTY OF MONO'S MOTION
FOR RELIEF FROM LOCAL
RESIDENT COUNSEL
REQUIREMENT OF LOCAL RULE
1A 10-2(c)

For the reasons given below, the County of Mono, by and through their undersigned counsel, hereby respectfully requests that the Court waive the local counsel requirement of Local Rule 1A 10-2(c) for the purposes of this case only. Local Rule 1A 10-2(c) of this Court requires association of a resident member of the Nevada Bar as co-counsel, unless the Court decides otherwise.

At this time, the County hereby requests that the Court relieve it from the requirement of Local Rule 1A 10-2(c) and allow it to solely represent itself (through its own County Counsel's Office) in this litigation. The reasons for this motion are as follows:

(1) The County of Mono is a political subdivision of the State of California. It is

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1 presently represented in this matter by its own Office of the County Counsel, which has
2 offices both in Bridgeport and in Mammoth Lakes, California, which are located two
3 and one half and three hours drive from this Court, respectively. The two attorneys
4 assigned to this case, County Counsel Marshall S. Rudolph and Deputy County Counsel
5 Stacey Simon, are available for all necessary hearings or appearances before this court
6 and can be available on short notice.

7 (2) Marshall S. Rudolph is a graduate of Stanford University and of the
8 University of California, Hastings College of Law. He has been a practicing attorney for
9 twelve years and has been County Counsel of Mono County since 1996. Stacey Simon is
10 a graduate of Occidental College and the University of California at Berkeley (Boalt
11 Hall) School of Law and has been a Deputy County Counsel for Mono County since
12 1999. The County has additionally retained (non-resident) outside counsel in this
13 matter with experience litigating both state and federal water law cases. Finally, the
14 County has access to and consults when necessary with Nevada attorneys about this
15 case.

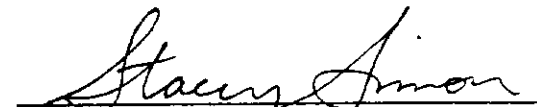
16 (3) By granting this motion, the Court will assist Mono County in stretching
17 limited taxpayer dollars to provide the best representation possible of its own interests
18 and the interests of its constituents. The County is committed to devoting substantial
19 staff attorney time to this case, has involved a water law practitioner to aid it in dealing
20 with issues particular to California water law, and is contributing to the payment of the
21 mediator retained to manage the settlement negotiations. Meeting the local counsel
22 requirement of Rule 1A 10-2(c) would put an additional financial burden on the
23 County's already limited resources.

24 (4) If this waiver is granted, the County, through its County Counsel's office, will
25 comply with the spirit and the intent of Local Rule 1A 10-2(c). Mono County's
26 attorneys are able to attend all necessary hearings, have the ability to sign binding
27 stipulations, and will perform any other acts necessary to the proper representation of
28 Mono County.

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DATED: May 21, 2003


MARSHALL S. RUDOLPH
Counsel for County of Mono


STACEY SIMON
Counsel for County of Mono

APPROVED:

DATED: _____

UNITED STATES DISTRICT JUDGE

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF MONO

I, Karen J. Serwatka, the undersigned, declare that:

I am employed in the County of Mono, State of California. I am over the age of 18 and not a party to this cause. My business address is Mono County Counsel, 452 Old Mammoth Road, Post Office Box 2415, Mammoth Lakes, California 93546.

On May 22, 2003, I served a true copy of the foregoing document described as **County of Mono's Motion for Relief from Local Resident Counsel Requirement of Local Rule 1A 10-2 (c)** on the parties in this cause, listed on attached Service List:

Please see attached Service List.

BY MAIL

 X by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in a box designated by my employer for collection and processing of correspondence for mailing with the United States Postal Service, addressed as set forth above. I am readily familiar with the business practices of my employer for the collection and processing of correspondence for mailing with the United States Postal Service. The correspondence placed in the designated box is deposited with the United States Postal Service at Mammoth Lakes, California, the same day in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on May 22, 2003, at Mammoth Lakes, California.


Karen J. Serwatka

Service List (cont.)

Lou Leonard
U.S. Dept. of the Interior, Office of the
Secretary, Division of Indian Affairs
1849 C. Street, N.W.
Mail Stop 6456
Washington DC 20240

James Spoo. Treva J. Hearne
Zeh St. Aubin Spoo & Hearne
575 Forest Service, Suite 200
Reno NV 98509

Gordon DePaoli/Dale Ferguson
Woodburn & Wedge
6100 Neil Road, Suite 500
Reno NV 98511

Michael Axline/Heather Brinton
Western Environmental Law Center
1216 Lincoln St.
Eugene OR 97401

Jon McMasters
Walker River Paiute Tribe
Post Office Box 220
Schurz NV 89427

Shirley & Louis Thompson
Walker River Working Group
P.O. Box 867
Hawthorne NV 89415

Tim Glidden
U.S. DOI, Office of the Solicitor
Division of Indian Affairs
1849 C Street, N.W., M.S 6456
Washington DC 20240

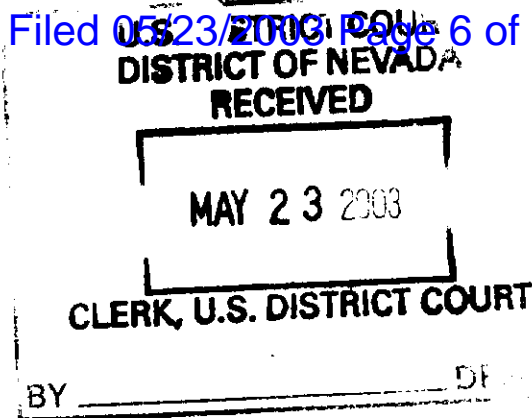
Scott H. Shackelton
Silverado,, Inc.
4160 Long Knife Road
Reno NV 89509

Roger Bezayiff
Watermaster
P.O. Box 853
Yerington NV 89447

Kathryn E. Landreth
United States Attorney
100 W. Liberty, Suite 600
Reno NV 899501

Alex J. Flangers/Timothy A. Lukas
Robert C. Anderson
Hale Lane Peek Dennison Howard
Anderson & Pearl
P.O. Box 3237
Reno NV 89509

William Jac Shaaw
Brooke Shaw & Zumpft
1590 Fourth St.
Minden NV 89423



1 Marshall Rudolph
 2 County Counsel
 3 Mono County, California
 4 California State Bar No. 150073
 5 452 Old Mammoth Road
 6 P.O. Box 2415
 7 Mammoth Lakes, CA 93546
 8 Ph: (760)924-1707
 9 Fax: (760)924-1701

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA)
)
 Plaintiff,)
)
 WALKER RIVER PAIUTE)
 15 TRIBE,)
 Plaintiff-Intervenor,)
 16 vs.)
)
 WALKER RIVER IRRIGATION)
 DISTRICT, a corporation, et al.)
 18)
 Defendants.)
 19

IN EQUITY NO. C-125-C-ECR

VERIFIED PETITION FOR PERMISSION
TO PRACTICE IN THIS CASE ONLY BY
ATTORNEY NOT ADMITTED TO THE
BAR OF THIS COURT.

21 VERIFIED PETITION FOR PERMISSION TO PRACTICE IN THIS CASE ONLY

22 Marshall Rudolph, Petitioner, respectfully represents to the Court:
 23 That Petitioner is not a member of the Bar of this Court;
 24 That Petitioner resides at 3224 Chateau Road #40, Mammoth Lakes, CA 93546;
 25 That Petitioner is an attorney at law employed as County Counsel by the County of Mono,
 26 a political subdivision of the State of California, with offices at 452 Old Mammoth Road,
 27 Mammoth Lakes, CA 93546;

28 >>> 17512 Date 5/23/03
 14832 Initials WR-1

1
2 That Petitioner represents the County of Mono in connection with the above-entitled case
3 now pending before this Court;

4 That since December 4, 1990, Petitioner has been and presently is a member in good
5 standing of the State Bar of California where Petitioner regularly practices law;

6 That practitioner is also admitted to practice before all Federal Courts in California, the
7 Ninth Circuit, and the United States Supreme Court;

8 That no disbarment proceedings are presently pending nor have disbarment proceedings
9 ever been instituted against petitioner; nor has any certificate or privilege to appear and practice
10 before any regulatory administrative body ever been suspended or revoked;

11 That neither through resignation, withdrawal, or otherwise, has Petitioner terminated or
12 attempted to terminate Petitioner's office as an attorney in order to avoid administrative
13 disciplinary or disbarment proceedings;

14 That Petitioner is a member in good standing of the following Bar Associations: The
15 California Bar Association, the American Bar Association, and the Mono County Bar
16 Association;

17 That Petitioner respectfully prays that he be admitted to practice before this Court FOR
18 PURPOSES OF THIS CASE ONLY.

19
20 DATED: March 5, 2003


MARSHALL RUDOLPH, Petitioner

VERIFICATION

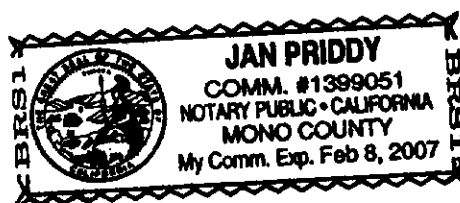
STATE OF CALIFORNIA)
COUNTY OF MONO)

MARSHALL RUDOLPH, Petitioner, being first duly sworn, deposes and says: That the foregoing statements are true.

Marshall A. Rudolph
MARSHALL RUDOLPH, Petitioner

Subscribed and sworn to before me this

10th day of March, 2003



[Signature]
Notary Public

APPROVED:

DATED this _____ day of March, 2003

UNITED STATES DISTRICT JUDGE

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF MONO

I, Karen J. Serwatka, the undersigned, declare that:

I am employed in the County of Mono, State of California. I am over the age of 18 and not a party to this cause. My business address is Mono County Counsel, 452 Old Mammoth Road, Post Office Box 2415, Mammoth Lakes, California 93546.

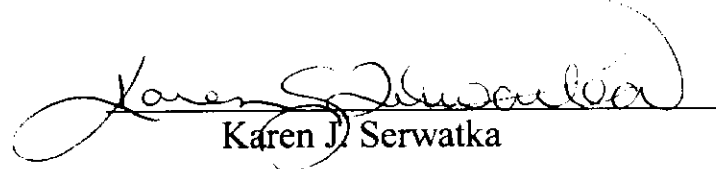
On May 22, 2003, I served a true copy of the foregoing document described as **Verified Petition for Permission to Practice in this Case Only by Attorney not Admitted to the Bar of this Court** on the parties in this cause, listed on attached Service List:

Please see attached Service List.

BY MAIL

X by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in a box designated by my employer for collection and processing of correspondence for mailing with the United States Postal Service, addressed as set forth above. I am readily familiar with the business practices of my employer for the collection and processing of correspondence for mailing with the United States Postal Service. The correspondence placed in the designated box is deposited with the United States Postal Service at Mammoth Lakes, California, the same day in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on May 22, 2003, at Mammoth Lakes, California.


Karen J. Serwatka

Service List

**Erin Mahaney
State Water Resources
Control Board
1001 I Street, 22nd Floor
Sacramento CA 95814**

**Hugh Ricci, P.E.
Nevada State Engineer's Office
123 W. Nye Lane
Carson City NV 89710**

**Kenneth Spooner
General Manager
Walker River Irrigation District
P.O. Box 820
Yerington NV 89447**

**R. Michael Turnipseed, P.E.
Dept. of Conservation & Natural
Resources, State of Nevada
123 W. Nye Lane
Carson City NV 89710**

**Michael W. Neville
California Attorney General's Office
455 Golden Gate Ave.
Suite 11000
San Francisco CA 94102-3664**

**Hank Meshorer
U.S. Dept. of Justice
Natural Resources Division
Ben Franklin Station, P.O. Box 7397
Washington DC 20044-7397**

**Daniel N. Frink
Water Resources Control Board
State of California
P.O. Box 100
Sacramento CA 94814**

**Kelly Chase
P.O. Box 2800
Minden NV 89423**

**Alf Brandt
Office of the Solicitor
U.S. Department of the Interior
2800 Cottage Way, Suite E-1712
Sacramento CA 95825**

**George N. Benesch
P.O. Box 3498
Reno NV 89505-3498**

**Robert L. Hunter
Western Nevada Agency
Bureau of Indian Affairs
1677 Hot Springs Road
Carson City NV 98706**

**John Kramer
Department of Water Resources
1416 Ninth St.
Sacramento CA 94814**

**Susan Schneider
Indian Resources Section
U.S. Department of Justice
999 18th St., Suite 945, North Tower
Denver CO 80202**

**Ross E. de Lipkau
Marshall Hill Cassas & de Lipkau
P.O. Box 2790
Reno NV 89505**

**Jim Shaw
Chief Deputy Water Commissioner
U.S. Board of Water Commissioners
P.O. Box 853
Yerington NV 89447**

**Craig Alexander
U.S. DOJ, ENRD, Indian Resources Section
P.O. Box 44378
L'Enfant Plaza Station
Washington DC 20026-4378**

**Greg Addington
Assistant U.S. Attorney
100 W. Liberty St.
Suite 600
Reno NV 89509**

**William Quinn
U.S. Department of the Interior
Office of the Solicitor
401 W. Washington St., SPC 44
Phoenix AZ 85003**

**Gary Stone
U.S. District Court Water Master
290 S. Arlington Ave., 3rd Floor
Reno NV 89501**

**Alice E. Walker/Scott McElroy
Greene Meyer & McElroy, PC
1007 Pearl St.
Suite 220
Boulder CO 80302**

**Matthew R. Campbell/David Moser
McCutchen Doyle Brown & Enerson
Three Embarcadero Center
San Francisco CA 94111**

**Linda A. Bowman
Law Office of Linda A. Bowman, Ltd.
540 Hammill Lane
Reno NV 89511**

**Gordon H. DePaoli/Dale E. Ferguson
Woodburn & Wedge
6100 Neil Road, Suite 500
P.O. Box 2311
Reno NV 89511**

**Marta Adams
Deputy Attorney General
State of Nevada
100 N. Carson St.
Carson City NV 89701-4717**

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State Bar of Nevada
600 East Charleston Blvd.
Las Vegas NV 89104

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Zeh St. Aubin Spoo & Hearne
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