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Mono County Counsel
STACEY SIMON (Cal. State Bar No. 203987)
Deputy County Counsel
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FILED
03 MAY 23 PM 2:53
LANCE S. WILSON
CLERK
BY DEPUTY

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

428

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

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

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

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

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
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1849 C. Street, N.W.
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U.S. DISTRICT COURT
DISTRICT OF NEVADA
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UNITED STATES DISTRICT COURT

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

VERIFIED PETITION FOR PERMISSION TO PRACTICE IN THIS CASE ONLY

Marshall Rudolph, Petitioner, respectfully represents to the Court:

That Petitioner is not a member of the Bar of this Court;

That Petitioner resides at 3224 Chateau Road #40, Mammoth Lakes, CA 93546;

That Petitioner is an attorney at law employed as County Counsel by the County of Mono, a political subdivision of the State of California, with offices at 452 Old Mammoth Road, Mammoth Lakes, CA 93546;

>>> 75 Date 5/23/03
14832 Initials HR

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

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

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

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

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

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

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

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 RUDOLPH, Petitioner

Subscribed and sworn to before me this

10th day of March, 2003

JAN PRIDDY
COMM. #1399051
NOTARY PUBLIC • CALIFORNIA
MONO COUNTY
My Comm. Exp. Feb 8, 2007

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
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