

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

1 MARSHALL S. RUDOLPH (Cal. State Bar No. 150073)  
Mono County Counsel  
2 STACEY SIMON (Cal. State Bar No. 203987)  
Deputy County Counsel  
3 P.O. Box 2415  
Mammoth Lakes, CA 93546-2415  
4 Ph: (760)924-1700  
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5

6 Attorneys for Defendant, MONO COUNTY, California  
7

8 UNITED STATES DISTRICT COURT  
9 FOR THE DISTRICT OF NEVADA  
10

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

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)

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

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

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

Handwritten signature/initials

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.

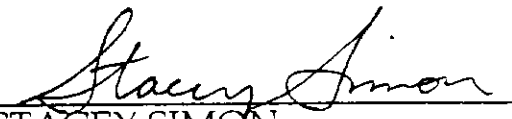
16 (3) By granting this motion, the Court will assist Mono County in stretching  
17 limited taxpayer dollars to provide the best representation possible of its own interests  
18 and the interests of its constituents. The County is committed to devoting substantial  
19 staff attorney time to this case, 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  
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Western Environmental Law Center  
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James Spoo. Treva J. Hearne  
Zeh St. Aubin Spoo & Hearne  
575 Forest Service, Suite 200  
Reno NV 98509

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

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

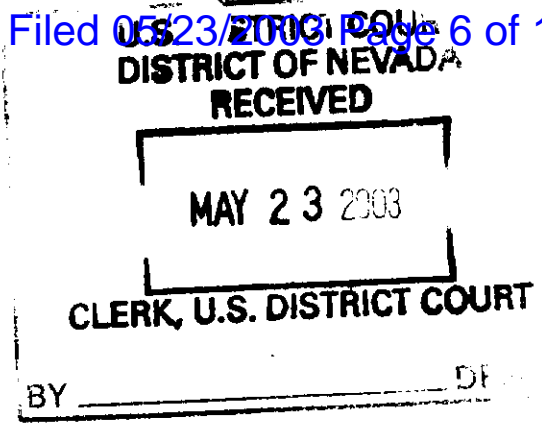
Alex J. Flangers/Timothy A. Lukas  
Robert C. Anderson  
Hale Lane Peek Dennison Howard  
Anderson & Pearl  
P.O. Box 3237  
Reno NV 89509

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

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

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

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



1 Marshall Rudolph  
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2 Mono County, California  
California State Bar No. 150073  
3 452 Old Mammoth Road  
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4 Mammoth Lakes, CA 93546  
Ph: (760)924-1707  
5 Fax: (760)924-1701

6  
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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**  
10

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12 UNITED STATES OF AMERICA )  
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Plaintiff, )  
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15 TRIBE, )  
Plaintiff-Intervenor, )  
16 vs. )  
17 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.

20  
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

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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;

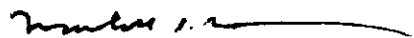
That no disbarment proceedings are presently pending nor have disbarment proceedings ever been instituted against petitioner; nor has any certificate or privilege to appear and practice before any regulatory administrative body ever been suspended or revoked;

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

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VERIFICATION

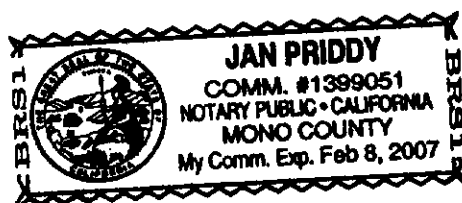
STATE OF CALIFORNIA )  
COUNTY OF MONO )

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

10<sup>th</sup> day of March, 2003



[Signature]  
Notary Public

APPROVED:

DATED this \_\_\_\_\_ day of March, 2003

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE



1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF MONO

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

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

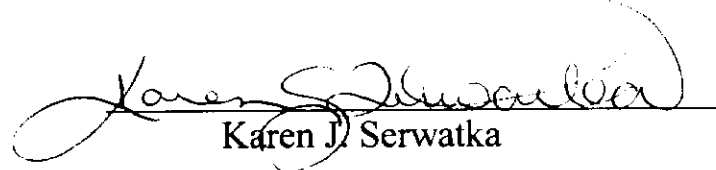
7 On May 22, 2003, I served a true copy of the foregoing document described as **Verified**  
8 **Petition for Permission to Practice in this Case Only by Attorney not Admitted to the Bar**  
9 **of this Court** on the parties in this cause, listed on attached Service List:

10  
11 Please see attached Service List.

12 **BY MAIL**

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

21  
22 I declare under penalty of perjury under the laws of the State of California that the  
23 foregoing is true and correct. Executed on May 22, 2003, at Mammoth Lakes, California.

24   
25 Karen J. Serwatka

## Service List

**Erin Mahaney**  
State Water Resources  
Control Board  
1001 I Street, 22<sup>nd</sup> 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  
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Washington DC 20044-7397

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P.O. Box 100  
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